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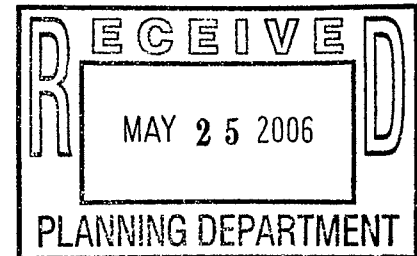
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May 15, 2006

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**Re: Brambleton Brandt Property; ZMAP 2004-0024
Response to First Referral Comments**



Dear Mike:

This letter constitutes our response to the staff and agency review comments we have received to date regarding the above-referenced rezoning application. The staff/agency review comments are addressed below in chronological order. Each agency's comments are summarized (noted in italics) and followed by our response.

COMMUNITY PLANNING

A. Land Use

1. General Industrial

The applicant proposes the construction of three drive through restaurants, a service station with gas pumps and car wash, a pharmacy and an assisted living facility on the General Industrial planned land use area south of the proposed alignment of the East-West Connector (Route 621) on the subject property. Staff finds that the Plan does not support the proposed commercial retail and institutional (assisted living facility) land uses proposed for the southern portion of the subject site which is planned for General Industrial uses. Staff does not support the Special Exception request to allow these uses on the property.

Applicant was mindful of the policies of the Revised General Plan ("RGP") and the Countywide Retail Policy Plan Amendment ("Retail Plan") when it developed the proposed concept plan for the Property. As such, the proposed rezoning of the northern portion of the Property to PD-H4 is in conformance and consistent with the planned land use for this portion of the Property. Given the development of other land within Brambleton for residential uses despite a land use designation of industrial indicates that the Industrial

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Land Use designation on the southern portion of the site is an inaccurate representation of the current policy with regard to the southern portion of the Property. In fact, a number of the provisions of the General Industrial policies of the RGP and the Countywide Retail Policy recommend the development of the southern portion of the Property for uses similar to the ones proposed by the Applicant.

The General Industrial policies state that heavy industrial uses will be buffered from residential uses by locating less intensive employment uses between heavy industrial uses and any adjacent residential uses. Less intensive uses include business and commercial uses that primarily serve the convenience needs of both local business and residential users. These uses shall be designed in such a way so as to provide safe, convenient, and attractive pedestrian access. The proposed concept plan supports the intent of the General Industrial policy by placing ancillary retail services on the southern portion of the Property that will serve both residents to the north and industrial uses to the south. This will buffer potentially noxious heavy industrial uses from the proposed adjacent residential uses to the north.

The Retail Plan also supports the location of Service-Area Based Retail, such as the proposed community retail center, between residential and non-residential areas. This "transitioning" of uses maximizes convenient access from surrounding areas while minimizing potential land use conflicts. Community retail centers are intended to address a wide variety of daily and weekly shopping and personal needs to include restaurants, pharmacies, and gas stations.

While both General Industrial and Retail Plan policies support the intent of the proposed community retail center, namely convenience and buffering, several factors make the PD-GI zoning designation incompatible with existing and proposed developments.

First, the Property's proximity to the residential development in Brambleton and the Transition Policy area to the west make the permitted uses of the PD-GI zoning district undesirable. The General Industrial policies of the RGP do not permit the development of General Industrial communities adjacent to residential neighborhoods. Of course, if not permitted to be developed as proposed, this policy may be violated.

Second, the southern portion of the Property will not develop as part of a larger General Industrial park because of an area major floodplain along the southern boundary of the Property. This environmental feature isolates the General Industrial-planned portion of the Property from reaching its highest and best use as currently zoned and planned.

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Lastly, the RGP encourages General Industrial uses to be located within the 65 Ldn AI Noise Corridor with convenient access to Dulles International Airport. The majority of the Property is not within the 65 noise corridor. Further, the nearest PD-GI zoned parcel is over one-half mile east of the Property and well within the 65 noise corridor.

As with the other rezoning applications submitted by the Applicant, the proposed rezoning will help create a southern edge for the community's residential development and emphasize the use of Route 621 Relocated as a boundary between the Brambleton residential community to the north and higher intensity uses, such as office, retail and light industrial, to the south of Route 621 Relocated. The proposed PD-CC(CC) zoning district will provide convenient access to commercial retail services for all users in the vicinity of the Property and is arranged in such a way as to complement the character of the surrounding Brambleton community. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the Revised General Plan.

Applicant also believes that with the Brambleton Active Adult community proximately located to the east of the Property along Route 621, an assisted living facility at this site would permit elderly residents to age-in-place. In fact, the County's recently adopted Countywide Senior Housing Policies support various types of retirement housing as a means to fulfill the changing needs of the aging population in Loudoun County. Applicant respectfully maintains that this is a necessary and appropriate use on the Property.

2. Residential

Staff finds that the proposed residential use of the northern portion of the subject property is consistent with the density and land use called for in the Revised General Plan. The proposed residential development is compatible with the densities and development patterns of the surrounding Brambleton Development.

Applicant acknowledges and concurs with Staff's analysis.

3. Public & Civic

The submitted Concept Development Plan (CDP) does not provide sufficient detail to determine if civic or public land uses are proposed within the development. Staff recommends that a minimum of 10% of the project area be provided for useable public/civic space that is located in a prominent site within the development per Plan policy.

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Sheets 3, 4, and 7 of the Revised CDP illustrate proposed civic space within the development. Applicant proposes 10.7% of the proposed residential development be dedicated for useable public/civic space in the form of a community tot lot near the northern boundary of the Property and a community play area at the southeast corner of the proposed residential development.

4. Public Parks and Open Space

Staff requests specific detail regarding the location and types of parks and open space uses proposed for the development and that the location of these areas be clearly depicted on the CDP to ensure that the proposed development is in conformance with Plan policies. Staff suggests the applicant use the following categories as specified in the Plan to identify and provide calculations for the proposed open space: Perimeter Buffers, Natural Open Space (i.e. floodplain, riparian buffers etc.), Passive Open Space (i.e. community greens, picnic area and trails) and Active Open Space (i.e. tot lots, play grounds, and athletic fields).

Sheets 3, 4, 7 and 8 of the revised CDP illustrate proposed perimeter buffers and natural open space in addition to active and passive open space. Applicant proposes to incorporate the existing floodplain, riparian buffers, and wetland areas into the project. Applicant also proposes a community tot lot near the northern boundary of the Property in addition to a community play area at the southeast corner of the proposed residential development. Proposed sidewalks and a multi-purpose trail will provide pedestrian connectivity between land bays. The development will also include linkages to the Brambleton community trail network.

B. Existing Conditions

1. River and Stream Corridor Resources

Staff, recommends that the project be designed around and incorporate the existing river and stream corridor resources and that a detailed stormwater management program be provided. Staff recommends that a 50-foot management buffer be located outside the limits of the floodplain to protect the river and stream corridor resources. Staff recommends that bio-retention filter areas, landscaped drainage buffers and other low impact development techniques be employed on the subject site to dissipate, filter and treat surface water runoff on site. Staff recommends that the proposed stream crossing be designed to minimize impacts on the existing stream channel.

Further coordination between staff and the applicant are recommended to achieve policy goals regarding the protection of river and stream corridor resources and stormwater

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management on the site. Additional detailed information regarding the design and function of the proposed stormwater management system is requested. Staff welcomes a meeting with the applicant to discuss these issues.

Acknowledged. The project has been mindfully designed to incorporate and protect the existing stream and associated riparian buffer. Further, where possible, Applicant has sought to maintain the recommended 50 foot management buffer outside the limits of the minor floodplain. Existing vegetation within the riparian buffer has been identified for possible tree save areas. Sheet 7 of the revised CDP illustrates approximate locations for possible stormwater management / best management practice areas. Details regarding specific stormwater management techniques will be provided upon submission of a final site plan; however, we would be happy to meet with Staff to discuss further, if Staff believes that such a meeting is warranted.

2. Forests, Trees, and Vegetation

Staff recommends that as much existing vegetation and trees as possible be incorporated into the design of the site. Staff requests that individual tree save and tree save areas be clearly delineated on the proposed CDP. Staff recommends commitment to the long-term maintenance of the tree save areas.

Acknowledged. Unfortunately, minimal vegetation and few trees currently exist on the vast area of the Property; however, possible tree save areas are so noted on sheet 8 of the revised CDP to protect existing vegetation along the minor floodplain.

3. Lighting

The submitted Statement of Justification and materials do not include any details regarding street lighting for the proposed residential and retail development. Staff recommends the applicant commit to shielding all proposed exterior lights to eliminate glare and light trespass.

Note 31 on the Cover Sheet of the revised CDP has been added addressing lighting concerns. All proposed exterior lights shall be shielded to reduce glare and light trespass.

4. Historic Resources

Based on the consultant's recommendations and staff's review of the survey report, no further archeological investigations were recommended.

Acknowledged.

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5. Airport Noise

The southern third of the subject site is located within the Ldn 60 and 65 areas of the airport noise contours of Washington Dulles International Airport, while the remainder of the property is located within the Ldn 60 1 mile buffer area. Staff recommends the applicant commit to disclosure of noise contours per Plan policy notions on the plats and proffer language. Staff defers this issue to the Zoning Division of the Department of Building and Development to ensure conformance with the requirements of Section 4-1400 of the 1993 Revised Zoning Ordinance.

Note 24 on the Cover Sheet of the revised CDP has been added noting disclosure of airport noise contours.

6. Road Noise Impacts

The subject site will be bordered on the west by Route 659 Relocated (Belmont Ridge Road Relocated) and is bisected by Route 621 Relocated (East-West Connector) which are planned as major collector roads. Staff requests that the applicant submit a traffic noise assessment in compliance with the latest version of the Federal Highway Administration's Highway Traffic Noise Prediction Model (FHWA-RD-77-108, as amended), per the policies of the Revised General Plan. Staff also recommends that the applicant provide commitments to any proposed noise mitigation measures or illustrate design changes necessary to comply with noise standards.

Applicant respectfully points out that the Property will not border 659 Relocated, and that the closest lot will be approximately 100 feet from the edge of Route 659 Relocated with many of the lots being approximately 150 feet from the road. With regard to Route 621 Relocated, the closest lot will be approximately 100 feet from the edge of pavement with many of the lots being in excess of 100 feet from the road. Applicant has designed the residential component of the proposed project to be particularly sensitive to noise impacts from the adjacent roads.

Also, Applicant has engaged a traffic noise consultant to complete the requested traffic noise assessment. The results of this assessment will be provided to Staff as soon as the assessment is received.

C. Design Guidelines for Residential Development

Staff recommends the application be amended to incorporate and illustrate the following design elements:

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- *interconnected street system, whether in a rectilinear grid or curvilinear pattern,*
- *integration of attached and detached residential units so that they are not segregated into "single use pods"*
- *detailed information on the location and types of civic and open space uses proposed for the development*
- *detailed development plan depicting the location of sidewalks, street trees, street lighting and street parking*
- *detailed landscaping plan indicating the types and location of landscaping to be used within the development, and*
- *detailed information on the internal trail network (i.e. trail width, materials, etc.).*

The project proposes an interconnected street system based on a rectilinear grid pattern. The layout of the project is intended to transition attached and detached residential units in a pattern easily integrated into, and complimentary of, proposed residential units to the north and east of the site.

The revised CDP proposes natural open space in addition to active and passive open space. Applicant proposes to incorporate the existing floodplain, riparian buffers, and wetland areas into the project. A community tot lot is to be located near the northern edge of the Property. A community play area is proposed at the southeast corner of the proposed residential development. Proposed sidewalks (5 feet wide) and a multi-purpose trail (8 feet wide) will provide pedestrian connectivity between land bays. Also, the development will include linkages to the Brambleton community trail network.

The additional elements described above (landscaping, lighting, and parking) will comply with the Facilities Standards Manual (FSM) and will be included with the submission of a final site plan.

D. Pedestrian and Bicycle Circulation

Staff requests information regarding the width and composition of the proposed sidewalks and trails. Staff recommends the following

- *all internal sidewalks be a minimum of 5 feet wide;*
- *trails in the common open space should include design features that enhance the safety and security for users and property owner;*
- *the development be incorporated into the larger pedestrian and bicycle network for the Brambleton Development to create a continuous network of sidewalks and shared use paths; and that*

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- *crosswalks across Route 659 Relocated (Belmont Ridge Road Relocated) and Route 621 Relocated (East-West Connector) be provided to create a safe environment for pedestrians and bicycles. The crosswalks should afford a visual and textural transition between non-vehicular and vehicular movements, such as a change in pavement type or at a minimum pavement markings.*

Updated information regarding sidewalks, trails, and crosswalks has been provided on sheets 7 and 8 of the revised CDP. Applicant shall provide internal sidewalks of at least five (5) feet in width and will incorporate the proposed 8 foot multi-purpose trail to the larger Brambleton trail network. Crosswalks will be provided across Route 659 Relocated and Route 621 Relocated and will comply with the requirements of the Facilities Standards Manual (FSM).

E. Affordable Housing

The Loudoun County Zoning Ordinance (revised 12/15/03) requires 12.5% of the total number of housing units (market and ADU) to be provided as ADUs. The ADUs for this project calculates to 30 ($238 \times 0.125 = 30$). Staff recommends that the required ADUs be appropriately located and labeled on the CDP. The ADUs that are to be provided should be of various unit types and dispersed out the community, per Plan policy.

Acknowledged. Note 21 on the Cover Sheet of the revised CDP has been added noting the ADU requirement. Pursuant to the requirements of the ADU program, ADU location and unit type will be included with the submission of a final site plan.

F. Capital Facilities

The Capital Intensity Factor (CIF) is currently assessed at \$37,660 for a Single-Family Detached dwelling, \$22,291 for a Single-Family Attached dwelling, and \$12,611 for a Multi-Family (MF) dwelling. The total projected capital facilities impact of the proposed development is \$2,654,035.00 (Attachment 1). As such, the net capital facilities contribution anticipated from the developer would be the equivalent of approximately \$11,151 per unit. Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated.

Acknowledged. A proffer statement is forthcoming.

LOUDOUN COUNTY BUILDING AND DEVELOPMENT / ZONING ADMINISTRATION

II. Conformance with §6-1211 Zoning Map Amendments

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1. *Staff defers to Community Planning to determine compatibility of the proposed uses with other uses permitted in the surrounding areas.*

Acknowledged. Please see Applicant's response above.

2. *Staff further notes that the intent of the planned development housing district is to achieve a variety of residential housing types with supporting non-residential uses. Since this application proposes to increase the number of residential dwelling units than would typically be permitted under current by-right R-1 zoning, and only include a small amount of supporting non-residential uses, staff asks that the applicant demonstrate the adequacy of available supporting non-residential uses and amenities to serve the proposed development.*

The proposed residential district is located in the northwest corner of future intersection of Route 621 Relocated and Route 659 Relocated. The small commercial retail center south of Route 621, if approved, will contain an assisted living facility, three stand alone restaurants, a pharmacy and a gas station/ convenience store and car wash. The Brambleton Town Center, located within one mile of the Property, contains additional supporting uses including full-service retail, banking institutions, restaurants, a movie theater and a variety of personal services.

Further, the Brambleton Corner rezoning application (ZMAP 2004-0025) proposes the inclusion of a community recreation facility onsite. The recreation center is east of the proposed housing district across Route 659 Relocated and is proposed to include a swimming pool, public open space, and a shared community space / pool house. These facilities will be accessible by, and open to, residents of Brambleton Corner, Brandt, and the neighboring Brambleton community. This amenity is in addition to significant amenities already dispersed throughout the community for the benefit of Brambleton residents such as walking and biking trails, active recreation and open space, and civic/public spaces.

Additionally, the parcels to the east of Route 659 Relocated and south of Route 621 Relocated are largely flex industrial in nature and will provide employment and support service uses to the residents of Brandt. The residents of Brandt will also benefit from the public safety center located approximately one-half mile east of the site on the south side of Route 621 Relocated (southeast portion of PIN 201-29-5424).

Lastly, the residents of Brandt will benefit from one (1) high school and (3) elementary school sites provided as part of the overall Brambleton development plan.

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3. *Staff believes that under the current R-1 zoning district and PD-G1 zoning district, there is a reasonable viable economic use of the property. However, it is also noted that increasing the density of the property will allow the Applicant to achieve a more viable economic use of the property.*

Acknowledged. Applicant appreciates Staff's acknowledgement and support of the economics of this project.

4. *The site contains some areas of minor floodplain and areas of wetlands. Where floodplain areas are impacted, the Applicant will be required to meet the standards of §4-1500 of the Zoning Ordinance. The requirements of the U.S. Army Corps of Engineers will also need to be met with regard to wetlands.*

Acknowledged. Applicant understands that wetlands requirements of the U.S. Army Corps of Engineers will need to be met and that it will need to comply with the standards of §4-1500 of the Zoning Ordinance.

The property has areas of existing tree cover on the site that includes mixed hardwood, oak and black cherry, and staff encourages utilization of existing vegetation when providing any required planting. Staff recommends that the Applicant identify areas of existing vegetation that will be preserved, and show such areas on a proffered plan.

Acknowledged. Possible tree save areas are noted on sheet 7 of the revised CDP. Note 25 on the Cover Sheet of the revised CDP addresses the use of existing vegetation to meet buffer requirements.

5. *Whether the proposed rezoning considers the current and future requirements of the communities to land for various purposes as determined by population and economic study. Staff defers to Community Planning to comment on this.*

Acknowledged. Applicant directs Staff to its analysis provided to Staff above. It is unlikely that the small portion of the site that is zoned PD-GI would ever develop for industrial uses and, as also noted above, is not an appropriate use of the site. Also, the size of the site and existing floodplain makes general industrial uses difficult, if not impossible. However, rezoning the southern portion of the site to PD-CC(CC) will bring a viable use to this Property and that will support the convenience retail and assisted living requirements of the surrounding business and residential users.

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6. *The Applicant is proposing to provide 30 affordable dwelling units (per Sheet 10 of the rezoning plat). See Part VII of this referral for comments.*

Acknowledged. See Part VII for our responses.

III. *Conformance with Section 6-1310: Issues for Consideration in Reviewing a Special Exception Application*

It should be noted that the Applicant has not address all issues for a special exception consideration as required in Section 6-1310. Further, page 5 in the Statement of Justification should be corrected as it addresses issues related to Section 1211.5, which is an incorrect Section of the Ordinance as relates to special exception standards.

Acknowledged. A revised Statement of Justification has been included with this submission addressing issues for special exception consideration as required by Section 6-1310. The responses listed below are in addition to those listed in the Statement of Justification.

With regard to standards in Section 6-1310, Staff has comments regarding the following factors:

- (A) *Whether the proposed special exception is consistent with the Comprehensive Plan. Zoning defers to Comprehensive Planning for determining consistency with the Comprehensive Plan.*

Acknowledged. Applicant has addressed comments from Comprehensive Planning above.

- (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control. Zoning defers to Fire, Rescue and Emergency Services in regards to safety from fire hazards effective measures of fire control.*

Acknowledged. Applicant addresses comments from Fire, Rescue, and Emergency Services below.

- (C) *The noise that may be generated by the proposed use in relation to the uses in the immediate area. It would appear that the proposed uses will not generate excessive noise. The development will be required to comply with the Noise Performance Standards in Section 5-1507 of the Zoning Ordinance.*

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Acknowledged. Note 32 on the Cover Sheet of the revised CDP has been added addressing noise performance standards.

- (D) *The glare or light that may be generated by the proposed use in relation to uses in the immediate area. The Plat does not depict the type and location of lighting to be utilized with the proposed uses. Therefore, the glare and light that may be generated by the proposed uses cannot be adequately evaluated at this time. The development will be required to comply with the Light and Glare Standards in Section 5-1504 of the Zoning Ordinance.*

Further, since some of the proposed uses will be abutting major collector and arterial roads, a condition of approval should be considered regarding the impacts of glare on these major roads.

Acknowledged. Note 31 on the Cover Sheet of the revised CDP has been added addressing lighting concerns. All proposed exterior lights shall be shielded to reduce glare and light trespass.

- (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses. Comments on the buffer yard type and utilization of existing vegetation to meet requirements should be placed in the Notes on the Plat.*

Acknowledged. Note 25 on the Cover Sheet of the revised CDP has been added addressing the use of existing vegetation to meet buffer requirements. This is in addition to Note 7 already listed on the Cover Sheet.

- (G) *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance. Zoning defers to Comprehensive Planning regarding the location of archaeological or historical features affected.*

Acknowledged. Applicant has addressed comments from Comprehensive Planning above. As noted by Comprehensive Planning, there are no archeological issues at the Property.

- (I) *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public. The Applicant should address this criterion.*

Acknowledged. The proposed PD-CC(CC) zoning district will provide convenient access to commercial retail services for all users in the vicinity of the Property and is arranged in such a way as to complement the character of the surrounding Brambleton community. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the Revised General Plan.

Applicant further believes that with the Brambleton Active Adult community proximately located to the east of the Property along Route 621, an assisted living facility at this site would permit elderly residents to age-in-place. In fact, the County's recently adopted Countywide Senior Housing Policies support various types of retirement housing as a means to fulfill the changing needs of the aging population in Loudoun County.

- (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation service. Zoning defers to Office of Transportation Services (OTS) in regards to traffic generation and adequacy of access roads. No pedestrian walkways are shown on the plat. Zoning requests that parking, loading and vehicular movement, in relation to pedestrian circulation, be depicted on the plat in order to adequately evaluate pedestrian safety.*

Acknowledged. Applicant addresses comments from OTS below. Sheets 8 and 12 of the revised CDP illustrate proposed pedestrian walkways, parking, loading, and vehicular movement.

- (L) *Whether the proposed special exception will be served adequately by essential public facilities and services. Zoning defers to LCSA and Fire, Rescue and Emergency Services regarding adequate servicing by essential public facilities and services.*

Acknowledged. Applicant addresses comments from Fire, Rescue, and Emergency Services below.

- (O) *Whether the proposed use will negatively impact orderly and safe road development and transportation. Zoning defers to OTS in regards to orderly and safe road development and transportation.*

Acknowledged. Applicant addresses comments from OTS below.

- (P) *Whether the proposed special exception will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with*

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the Comprehensive Plan. Zoning defers to Comprehensive Planning regarding this issue.

Applicant proposes a Commercial Center – Community Center consistent with the Service Area-Based Retail policies described in the Countywide Retail Policy Plan. The Retail Plan encourages such centers as a means to address a wide variety of daily and weekly shopping and personal needs to include restaurants, pharmacies, and gas stations. Further, convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the Revised General Plan.

The proposed special exception uses will provide desirable employment and enlarge the tax base by bringing a variety of supportive services and retail development to this corner of the Brambleton community.

- (Q) Whether the proposed special exception considers the needs of agriculture, industry and business in future growth. The Applicant must address this criterion.*

Acknowledged. The proposed special exception will provide employees to support the growth of businesses and create additional employment opportunities.

- (R) The location of any existing and/or proposed adequate on and off-site infrastructure. Zoning defers to LCSA regarding of on or off site sewer and water.*

Acknowledged. Applicant addresses comments from LCSA below.

- (S) Any anticipated odors which may be generated by the uses on site. The Applicant must provide this information.*

Acknowledged. Anticipated odors are those typically associated with the proposed uses, none of which are noxious or offensive. The proposed uses are to be located south of Route 621 Relocated and away from the residential development north of Route 621 Relocated.

- (T) Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas. Staff recommends that a condition of approval be included, assuring that construction traffic will not access the site through existing neighborhoods or school areas.*

Acknowledged. The Special Exception uses are not located so as to permit construction traffic to access the site through existing neighborhoods or school

areas. All construction traffic would access the site off of Route 621 Relocated and/or Route 659 Relocated. Also, the site for the proposed special exception uses and the areas surrounding the uses are currently undeveloped. They will not have an impact on existing neighborhoods and school areas.

IV. Conformance with Planned Development-Housing (PD-H) District (§4-100)

1. *This district is established to provide for a variety of single and multi-family housing types in neighborhood settings plus supporting non-residential uses in a planned environment, fostering a strong sense of community. However, proposed Land Bay A appears to be segregated from the rest of the development with the only means of access being from Route 621 Relocated. Staff recommends that the Applicant provide a means of connection from Land Bay A to tie in to the rest of the development (§ 4-101).*

Sheet 9 of the revised CDP illustrates the approximate location of a proposed 8 foot multi-purpose trail along 621 Relocated intended to tie Land Bay A to the rest of the development. Additional connections to Land Bays C and D from Land Bay A are limited due to the large area of floodplain that runs in a north-south direction between these land bays.

2. *The Applicant should address the four "Timing of Development" considerations with regard to the PD-H proposal (§ 4-103).*

The proposed Brambleton Brandt will satisfy sustained demand for housing in eastern Loudoun and across the region. The development's proximity to the Dulles Greenway and other travel corridors will connect the development to jobs and services Loudoun County and in the greater Washington Metropolitan Area. Also, parcels to the east of Route 659 Relocated and south of Route 621 Relocated are largely flex industrial in nature and will provide employment and support service uses to the residents of Brandt. These opportunities are in addition to other employment and services associated with the proposed special exception uses south of Route 621 Relocated and Brambleton Town Center to the north. Finally, the general pattern and organization of this community is consistent with the development patterns of the greater Brambleton community.

3. *Pursuant to Section 4-109(A), principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. Zoning defers to Office of*

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Transportation to determine conformance with this Section of the Ordinance.

Acknowledged. However, this issue has not been raised by the Office of Transportation Services.

4. *Pursuant to Section 4-110 (F), ways shall be provided to all dwelling units, project facilities and principal off-site destinations. Access ways to be used by children as routes to school or other destinations shall be so located and safeguarded as to minimize contacts with automotive traffic. Demonstrate compliance with this section of the Ordinance.*

Updated information regarding sidewalks, trails, and crosswalks has been provided on sheets 7 and 8 of the revised CDP. Proposed sidewalks (5 feet wide) and a multi-purpose trail (8 feet wide) will provide pedestrian connectivity between land bays. The development will also include linkages to the Brambleton community trail network as well as to the proposed special exception uses to the south. Crosswalks are to be provided across Route 659 Relocated and Route 621 Relocated and are least number of crossings required as directed by Section 4-110(F). Applicant will comply with the Facilities Standards Manual (FSM) in regard to pedestrian safety upon submission of a final site plan.

V. *Conformance with R-8, Single Family Residential District (§7-800) & (§3-500)*

The rezoning plat should state in the Notes section, that Land Bays A, B, C, D E and F will be developed in accord with all regulations for the R-8 Zoning Districts of the Revised 1993 Loudoun County Zoning Ordinance. All subsequent Subdivision Plans or Site Plans must show how the R-8 zoning district requirements are met.

Acknowledged. Note 2 on sheet 5 of the revised CDP has been added addressing development in accordance with applicable requirements.

1. *On sheet 10 of the rezoning plat, provide the minimum width requirement for the single-family attached units in the R-8 zoning district (§ 7-803(B)).*

Acknowledged. Sheet 12 of the revised CDP provides the minimum width for single-family attached units in the R-8 zoning district.

2. *The Applicant has provided an Illustrative that depicts the layout of lots on the development. If the Illustrative Sheets (4 and 4A) will be proffered, staff recommends that the Applicant note the proposed lot dimensions on the plat. If not, then this should be made clear in the Proffer Statement.*

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Acknowledged. Applicant does not intend to proffer the illustrative sheets; the forthcoming proffer statement will reflect this.

3. *Pursuant to Section 3-509(C), a permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. It appears that Land Bay D has proposed lot sizes that are at least 6,000 square feet. Therefore, this buffer must be provided between Land Bay D and Land Bay E or modification requested with appropriate justification.*

Acknowledged. A revised Statement of Justification has been included with this submission requesting a modification of Section 3-509(C).

4. *It is noted that the Applicant has calculated the amount of active recreation space based on market rate units per Section 7-803(E), and proposed that it will provide at least the minimum required amount of active recreation space (37,300 square feet). The Applicant must however, depict the location of active recreation space on the Concept Development Plan and demonstrate that such active recreation space is accessible to all residents by means of internal pedestrian walkways (§ 7-803(E)).*

Sheets 3, 4, 7 and 8 of the revised CDP illustrate the proposed active recreation space and associated internal pedestrian linkages. Proposed sidewalks (5 feet wide) and a multi-purpose trail (8 feet wide) will provide pedestrian connectivity between land bays. The development will also include linkages to the Brambleton community trail network as well as to the proposed special exception uses to the south. Applicant proposes 10.7% (114,125 square feet) of the proposed residential development be dedicated for useable public/civic space in the form of a community tot lot near the northern boundary of the Property and a community play area at the southeast corner of the proposed residential development.

VI. *Conformance with PD-CC-CC, Planned Development Commercial Center (Community Center) (§4-200)*

The rezoning plat should state in the Notes section, that Land Bay G will be developed in accord with all regulations for the PD-CC-CC Zoning Districts of the Revised 1993 Loudoun County Zoning Ordinance. All subsequent Subdivision Plans or Site Plans must show how the PD-CC-CC zoning district requirements are met.

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Acknowledged. Note 2 on sheet 5 of the Revised RDP has been added addressing development in accordance with applicable regulations.

1. *The Applicant is proposing to rezone 13.68 acres to PD-CC(CC) zoning district. It should be noted that the Planned Development Commercial Center districts are created to permit the development of neighborhood, community, and regional shopping centers in scale with surrounding market areas, at locations recommended in the Loudoun County Comprehensive Plan. Zoning defers to community planning to determine if the proposed location is in conformance with the Revised General Plan.*

Acknowledged and addressed above in the comment responses for Community Planning and the Revised SOJ. The proposed PD-CC(CC) zoning district will provide convenient access to commercial retail services for all users in the vicinity of the Property and is arranged in such a way as to complement the character of the surrounding Brambleton community. Convenient access to general commercial retail services and sensitivity to design are factors consistent with the purpose of the PD-CC district and the recommendations of the Revised General Plan.

2. *Pursuant to Section 4-202(B), the PD-CC(CC) district must be sited so as to complement the character of the surrounding community, to include appropriate pedestrian linkages with adjacent land uses, and shall be designed, landscaped and buffered so as to be compatible with neighboring development. The Applicant must demonstrate compliance with this section of the Ordinance. Depict pedestrian linkages with the adjacent residential land uses, as well as required landscaping and buffering requirements.*

Updated information regarding sidewalks, trails, and crosswalks as well as required landscaping and buffering requirements specific to the proposed PD-CC(CC) district have been provided in the Revised CDP. Appropriate pedestrian linkages have been illustrated to connect the proposed residential development with the proposed commercial development as well as between uses within the proposed district.

3. *The Applicant has noted the maximum floor area ratio (FAR) of 0.40 (with surface parking) permitted by the Zoning Ordinance, but has not provided the proposed FAR for the development. Staff asked that the proposed FAR be included in Sheet 10 of the rezoning plat. Similarly, the proposed maximum building height should be noted on the plat (§ 4-206(B) &(C)).*

Acknowledged. Sheet 11 of the revised CDP illustrates the proposed layout and gross floor area for each use proposed for the development. Actual FAR and building height

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will be included with the submission of a final site plan and will be in conformance with the Revised 1993 Loudoun County Zoning Ordinance.

4. *The Applicant must provide a vehicular circulation plan that demonstrates how the proposed commercial center minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation (§ 4-206 (D)). It is noted that the Applicant has requested a modification of this Section to allow the commercial center to have direct access to Route 621 Relocated, a major collector road. See part VIII of this referral for comment.*

Acknowledged. Sheet 11 of the Revised CDP illustrates the proposed vehicular pattern of the commercial center. Updated information regarding sidewalks, trails, and crosswalks and associated linkages to the proposed commercial center have been provided on sheet 8 of the revised CDP.

5. *The Applicant must provide a pedestrian circulation plan that demonstrates how the proposed commercial center minimize conflict between pedestrians and moving vehicle, channelizes pedestrian flows to crossing areas and connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways. In addition, the plan must include walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas (§ 4-206 (F)).*

Sheets 8 and 12 of the revised CDP illustrate proposed pedestrian and vehicular circulation for the proposed commercial center.

6. *On Sheet 10 of the rezoning plat, provide the proposed landscape open space for the PD-CC(CC) district (§ 4-207(B)).*

As set forth on the rezoning plat, landscaped open space will meet the requirements of Section 4-207(B).

7. *Staff cannot evaluate compliance with internal and external site planning (Sections 4-207 (C) and 4-207(D)) based on the illustrative and the level of detail provided on Sheet 9. Staff asks that the Applicant provide a detailed illustrative of the proposed design of the commercial center and demonstrate how such design conforms to the requirement of the ordinance, or provide a note stating that these requirements will be met at site plan.*

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Note 20 on the Cover Sheet of the revised CDP has been added addressing compliance with Sections 4-207(C) and 4-207(D).

VII. Conformance with Article VII Regulations, Affordable Dwelling Units

1. *Per Article VII of the Zoning Ordinance, the requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per gross acre.*

Acknowledged.

2. *The Applicant is proposing affordable dwelling units based on 12.5% of the 238 total units proposed, thus providing thirty affordable dwelling units and 208 market rate units.*

Acknowledged.

3. *The Applicant must note that Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development.*

Acknowledged. Note 21 on the Cover Sheet of the revised CDP has been added noting the ADU requirement. Pursuant to the requirements of the ADU program, ADU location and unit type will be included with the submission of a final site plan.

VIII. Conformance with Section 6-1500 Rezoning to Planned Development (PD) Districts

1. *Section 6-1502, Purpose - (A) Staff defers to Comprehensive Planning to determine if the design of the proposed development promotes achievement of the stated purposes of the Comprehensive Plan and is consistent with the Revised General Plan.*

Acknowledged and addressed above.

2. *Section 6-1504, Modifications - The Applicant has proposed a number of zoning modifications, pursuant to this section of the ordinance. It should be noted that no*

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modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. The proposed modifications requested are as follows:

(i) R-8 (Single Family Residential) Zoning District, § 3-502 - Size and Location

Proposed Modification - Request modification to increase the maximum district size limitation to permit a district size greater than 50 acres in size to be administered under the R-8 zoning district.

Applicant's Justification - The Applicant's justification is that, the proposed modification is permitted by Section 3-502 and 3-602 by virtue of the fact that the rezoning is a request for a Planned Development Housing District.

Staff comment- Staff is not clear what the Applicant meant by noting Section 3-602. The R-8 zoning district establishes a 50 acre maximum size limit. Section 3-502 states in part that "Larger parcels may be developed in accord with Section 4-100 as Planned Development Housing Districts". Staff believes that this modification request is not necessary as this Section (§ 3-502) states that larger parcels in the R-8 district may be developed in accord with Section 4-100 as Planned Development District.

Acknowledged. Applicant requests the modification be withdrawn from the application.

ii) R-8 (Single Family Residential) Zoning District, § 3-511(C) -Development Setback and Access from Major Roads; § 1245.01(2), 1245.05(1) of the LSDO (Land Subdivision and Development Ordinance)

Proposed Modification - Request modification to permit single family detached lots to be accessed by private streets.

Applicant's Justification - The proposed modification improves upon the existing regulations because it allows flexibility in the design and development of single family detached homes on privately maintained streets. In meeting this modification, the Applicant states that it will fulfill all of the standards that are required for the development of private streets for townhouses and multi-family buildings.

Staff comment- Staff notes that the Applicant needs to include a modification request of Section 4-110(B) in addition to the above sections. Staff believes that flexibility in design and development of single family detached homes could be achieved on public streets as well as private streets. Private streets however, typically have long-term maintenance burden on the homeowner, since they are not constructed to VDOT standards or accepted for inclusion into the state system. Staff is not clear as to how

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this proposal provides for an innovative design or exceeds the public purpose of the ordinance. Staff cannot support the modification request at this time.

Acknowledged. Applicant requests the modification be withdrawn from the application. The revised CDP does not propose single-family detached lots be accessed by private streets.

(iii) Buffering and Screening, § 5-1405, Buffer Yard and Screening, General Provision-

Proposed Modification - *The Applicant is requesting a modification of this section to eliminate buffer requirements between land uses internal to the subject development.*

Applicant's Justification - *The Applicant states that there is simply no need to buffer land uses internal to the subject development due to the bifurcation of the proposed development by the planned alignment of Route 621 Relocated.*

Staff comment - *The Applicant must be specific as to what internal land uses it is referring to in this modification request, and depict the extent of the modification request on the plat. Staff is not clear if the modification request is for land uses adjacent to Route 621 Relocated only.*

The modification request is for land uses adjacent to Route 621 Relocated. Specifically, the Applicant requests (1) the elimination of the buffer between the proposed assisted living facility and the proposed single-family detached units and (2) the reduction of the buffer between the proposed assisted living facility and the proposed retail uses. Sheet 13 of the revised CDP illustrates the extent of this modification.

As Loudoun County evolves, we are seeing more challenges to the Euclidian principle of separation of dissimilar uses, a principle which discourages synergetic centers and assumes incompatibility between disparate uses. As determined in the Senior Housing CPAM process, assisted living facilities, like skilled nursing facilities, are more similar to commercial uses than residential uses as many of the residents need a higher level of care than a typical resident might. These residents typically do not avail themselves to typical neighborhood amenities, like another neighborhood resident might. Hence, traffic impacts and parking requirements are more similar to those of commercial uses.

Additional justification for this modification is described in the revised Statement of Justification. A copy of the revised SOJ is included with this submission.

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(iv) R-8 (Single Family Residential) Zoning District, § 3-511(A) - Development Setback and Access from Major Roads

Proposed Modification - Request modification to reduce the setback from rights-of-way other than arterial and collector roads from a minimum of 25 feet to 15 feet.

Applicant's Justification – The proposed modification will correct an inconsistency in the Zoning Ordinance and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable housing.

Staff comment – Staff agrees with the Applicant and notes that the R-8 zoning district regulations in §7-800 allow for more flexibility in the district regulations. Reducing the minimum required 25 foot setback to 15 feet will coincide with the minimum front yard requirement of 15 feet permitted in § 7-803(C)(1)(a) for the R-8 district and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable dwelling units. Staff can support this modification request.

Acknowledged. Applicant appreciates Staff's support of this modification.

(v) R-8 (Single Family Residential) Zoning District, § 3-508(B) – Building Requirements.

Proposed Modification - Request modification to allow a maximum building height of up to 40 feet for dwelling units and up to 50 feet for the assisted living facility to be provided south of Route 621 Relocated.

Applicant's Justification – The Applicant states that the size of single-family detached homes and single-family attached town homes continues to increase, including the overall height of the dwellings. The Applicant claims that homes are generally taller today than they were five years ago, in order to accommodate interior ceiling heights of up to ten feet, and that one of the ways to meet this demand is by providing homes that nominally exceed the maximum height in the Zoning Ordinance. Further, the Applicant states that despite being residentially zoned, the assisted living facility is a commercial use and its facility should have a permitted height taller than 35 feet.

Staff comment – Staff is not clear as to how the increase in building height for the single family detached, town homes and assisted living facility exceeds the public purpose of the ordinance. Staff believes the increase height of homes to accommodate increase ceiling height does not justify the modification request. It is not clear how the proposal achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulations. Staff cannot recommend approval of this modification request at this time. Further, the Applicant should provide the proposed maximum height limit.

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In addition to Applicant's justification for this modification, a series of recommendations by the Loudoun County Zoning Ordinance Review Committee ("ZORC") affirms Applicant's assertion that customers are demanding increasingly larger single-family attached homes. Specifically, ZORC notes that contemporary designs inclusive of front-loading, ground level garages provide much needed off-street parking in single-family attached districts. ZORC has recommended to the Board of Supervisors a 45' maximum height for single-family attached houses and a 40' building height for single family detached units. These recommendations are consistent with the 40' maximum height modification requested for the proposed dwelling units.

Regarding the modification requesting a maximum height of 50' for the assisted living facility, Applicant requests the modification be withdrawn from the application.

Zoning Modification 3 on sheet 14 of the revised CDP indicates the maximum height limit requested.

(vi) PD-CC, Planned Development Commercial Center, § 4-205(C)(2) – Lot Requirements, Yards

Proposed Modification - Request modification to permit building, parking, outdoor storage, areas of collection of refuse or loading closer than 100 feet to planned residential district and to permit some parking, outdoor storage, areas for collection of refuse, and loading areas between buildings and streets where visible from road as shown on the plan.

Applicant's Justification – All commercial uses are located to the south of Route 621 Relocated. All residential uses are located to the north of Route 659 Relocated. An assisted living facility, which is a commercial use, is permitted in the R-8 district, but not permitted in the PD-CC district. Thus, to cluster non-residential uses together, the southern portion of the development are split-zoned, resulting in the need for modification of this provision. Further, the Applicant notes that there isn't the same need for strict compliance with this provision due to the bifurcation of the proposed development by the planned alignment of Route 659.

Staff comment – Staff notes that an assisted living facility is a facility where adults who cannot live independently and who need assistance with daily chores and housekeeping live. The intent of the required 100 feet building, parking, outdoor storage and loading buffer is to protect and separate residential uses from commercial uses. The assisted living facility, although not a dwelling unit, consists of adults living in the facility. Staff notes that the Applicant has proposed parking at the boundary of the PD-CC-CC district, adjacent to the PD-H4 zoning district and that

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there is no yard separation. As proposed, Staff cannot support the elimination of the required yard between the PD-CC-CC and PDH-4 zoning district.

Acknowledged. Applicant has amended the modification request to permit a 20 foot Category 3 Buffer Yard. Applicant reiterates its desire to reduce this buffer requirement. As determined in the Senior Housing CPAM process, assisted living facilities, like skilled nursing facilities, are more similar to commercial uses than residential uses. Many assisted living facilities in Loudoun County (including the Sunrise facility in Countryside and the Mirror Ridge facility in Sterling) are integrated into commercial areas and located on busy roads. Further, the County has encouraged proposed continuing care communities (of which assisted living facilities are a part) to locate such uses near commercial centers "to ensure senior residents the benefits of safe and convenient access to amenities and services" (RGP 2-15). Applicant respectfully submits that the proposed site will allow for the most appropriate location for this much needed use. Residents, to the extent that some are ambulatory, will have access to the neighboring pharmacy and restaurants.

Sheet 13 of the revised CDP illustrates the extent of this amended modification.

(vii) PD-CC, Planned Development Commercial Center, § 4-207(C)(3) –Use Limitations, Site Planning – External Relationships & § 5-1407, Buffer Yard and Screening Requirements

Proposed Modification - Request modification to eliminate the buffer requirement between the assisted living facility and service/retail uses.

Applicant's Justification – The Applicant's justification again is the boundary of Route 621 Relocated between the residential and non-residential uses. The Applicant notes that to the user of the commercial center, the property will appear to be, and will operate as, a single center. As there will be no perceivable distinction between the retail uses and the assisted living facility, there should not be the need for buffering internal to the southern portion of the property. The clustering of like uses in a single area of the property makes modification of this provision desirable and necessary.

Staff comment –The intent of the required buffer on the perimeter of the commercial center is separate and screen uses. The assisted living facility, although not a dwelling unit, consists of adults living in the facility. Staff believes that the types III & IV Buffer as required by Section 5-1414 should be provided between the proposed uses. However, it should be noted that the Applicant has the option of requesting a waiver of this buffer during the time of site plan if the criteria of Section 5-1409 can be met. Staff notes that the Applicant's written justification for this modification does not clearly demonstrate how the proposed modification request achieves an innovative

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design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulations. Staff cannot support this modification request.

Acknowledged. Applicant has amended the modification request to permit a 20 foot Category 3 Buffer Yard.

As Loudoun County evolves, we are seeing more challenges to the Euclidian principle of separation of dissimilar uses, a principle which discourages synergetic centers and assumes incompatibility between disparate uses. As stated above, assisted living facilities, like skilled nursing facilities, are more similar to commercial uses than residential uses as many of the residents need a higher level of care than a typical resident might. Such residents typically do not avail themselves of typical neighborhood amenities, like another neighborhood resident might. Hence, traffic impacts and parking requirements are more similar to that of a commercial use. Further, the County has encouraged proposed continuing care communities (of which assisted living facilities are a part) to locate such uses near commercial centers "to ensure senior residents the benefits of safe and convenient access to amenities and services" (RGP 2-15). Finally, the clustering of like uses in a single area of the Property makes modification of this provision desirable and necessary.

The proposed alternate buffer is a 20 foot Type 3 buffer that is intended to provide screening from the proposed commercial uses to the south and west. Also, the facility will be screened from Route 659 Relocated and Route 621 Relocated by a 100 foot setback and 75 foot setback, respectively. Sheets 3, 4, and 13 of the CDP illustrate the extent of this modification. Applicant hopes that this makes support of this modification possible.

(viii) PD-CC, Planned Development Commercial Center, § 4-205(C)(3) - Lot Requirements, Yards

Proposed Modification - Request modification to permit buildings, parking, outdoor storage, and loading areas closer than 35 feet to other non residential districts as shown on the plans submitted with the ZMAP.

Applicant's Justification – The Applicant states that it has carefully arranged the land uses so as to congregate all non-residential uses south of Route 621 Relocated and all residential uses north of Route 621 Relocated. Non-residential uses, as part of the greater Brambleton community, will be located to the east of the property across Route 659 Relocated. There is also a sizable strip between the property's eastern boundary and Route 659 Relocated which increases the distance between the non-residential uses at the property and the non-residential uses on adjacent properties.

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Thus, the requirement to set buildings, parking, outdoor storage and loading areas back 35 feet from the property boundary simply is not necessary.

Staff comment – Staff is not clear as to where this modification request is proposed, and asked that the Applicant clarify this, and illustrate this on the rezoning plat.

Acknowledged. Sheet 13 of the revised CDP illustrates the extent of this modification. Applicant respectfully requests Staff's support of this modification, as set forth on the CDP.

(ix) PD-CC, Planned Development Commercial Center, § 4-206(D) – Building Requirements, Vehicular Access.

Proposed Modification - Request modification to permit the commercial center to have direct access to Route 621 Relocated, a major collector road.

Applicant's Justification – The Applicant notes that the use of the triangularly-shaped parcel created by the future alignment of Route 621 Relocated and Route 659 Relocated for a Community Center will achieve the highest and best use of this portion of the property and will benefit the surrounding residents and businesses. With the eventual vacation of Evergreen Mills Road on the western boundary of the property, the only bordering roads will be major collector roads, thus making the modification necessary.

*Staff comment – Staff is not clear as to the purpose of this modification request. Pursuant to Section 4-206 (D), a community center shall provide convenient and coordinated vehicular access **only** to collector roads. The Applicant is requesting a modification to permit the community center to have direct access to Route 621 Relocated, a major collector road, which is already a requirement of the Ordinance. This modification is not necessary. However, a modification request is required to access the commercial center from Route 659 Relocated, a minor arterial road.*

Acknowledged. Applicant has amended the modification request to permit access to the proposed commercial center from Route 659 Relocated, a minor arterial road. The entrance shown on the CDP meets all spacing requirements and will provide an important and necessary second entrance. An entrance on the southwestern side of the parcel is impossible because of the floodplain and associated wetlands adjacent to this boundary.

(x) PD-CC, Planned Development Commercial Center, § 4-207(B) –Use Limitations, Landscaped Open Space

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Proposed Modification - Request modification to permit the non residential open space adjacent to Land Bay G be used for credit towards the minimum landscaped open space requirement.

Applicant's Justification – The Applicant notes that this property will become part of the greater Brambleton community and the PD-CC area to the south of Route 621 Relocated will be indistinguishable from the greater Brambleton community generally and the strip of land between the eastern boundary of the property and Route 659 Relocated specifically. By permitting the Applicant to use the non residential open space adjacent to Land Bay G in calculating the minimum landscaped open space requirement, the Applicant will be able to create a compact commercial center that encourages pedestrian activity between the various uses.

Staff comment – It is not clear to staff as to why the Applicant is not including the non residential open space adjacent to Land Bay G as part of this land bay, in order to meet the calculation for the minimum landscaped open space requirement of this Section. Staff recommends that the Applicant include the necessary amount of surrounding land to Land Bay G in order to meet the minimum open space requirement.

Acknowledged. Applicant requests the modification be withdrawn from the application.

(xi) R-8 (Single Family Residential) Zoning District, § 3-508(A) – Building Requirements, Lot Coverage

Proposed Modification - Request modification to permit a Lot Coverage greater than 50% for the assisted living facility

Applicant's Justification – Similar to the other modification request justification, the Applicant notes that it is clustering the commercial uses south of Route 621 Relocated and keeping the residential uses to the north of Route 621 Relocated. This proposed layout will emphasize the use of Route 621 Relocated as the boundary between the residential and non-residential uses. Despite being zoned residentially, the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC district. The Applicant notes that the lot coverage requirement of the R-8 district applies without regard to whether the property is being used for commercial or non-commercial purposes. However, the Applicant contends that the commercial uses, such as the assisted living facility, should be permitted to cover a greater portion of the lot, in accordance with other non-residential districts.

Staff comment – The modification request a lot coverage in excess of 60% for the assisted living facility. It should be noted that the maximum lot coverage permitted in Section 3-508(A) is 50%. The Applicant states that the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC

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district. Staff notes that there is no maximum lot coverage required in the PD-CC district. While staff agrees that the assisted living facility is not a residential use per se, it is a use permissible and proposed in the residential zoning district (R-8) and therefore must meet the standards set forth in that district. Staff does not support the approval of maximum lot coverage similar to the PD-CC district, which is "no maximum lot coverage". Staff asks that the Applicant provide the maximum lot coverage that is proposed for the assisted living facility.

Acknowledged. Applicant has amended the modification request to permit a maximum lot coverage of 60% (60,000 square feet). Applicant hopes that this makes support of this modification possible.

(xii) R-8 (Single Family Residential) Zoning District, § 3-508(C) – Building Requirements, Maximum Units per Building.

Proposed Modification - Request modification to permit more than eight units in a single building for the assisted living facility.

Applicant's Justification – The Applicant notes that the Zoning Ordinance requirement of a maximum of eight units in a single building is intended to prohibit lengthy rows of single-family attached dwellings, and is not intended to be a limit on non-residential development like the construction of assisted living facilities. The Applicant further notes that assisted living facilities are permitted by special exception in the R-8 zoning district and that providers of elderly housing and care need to have enough units to make the services and care affordable. According to the Applicant, an assisted living facility must have more than eight units to be financially viable, hence the modification request.

Staff comment – Staff believes that this modification is not necessary as the assisted living is not considered as separate dwelling units and the intent of this section is to limit the maximum number of residential units in a row of single-family attached dwellings.

Acknowledged. Applicant requests the modification be withdrawn from the application.

(xiii) PD-H, Planned Development Housing, § 4-109(C)(2) – Site Planning – External Relationships

Proposed Modification - Request modification to eliminate the 50 foot buffer requirement along the eastern edge of the property adjacent to Route 659 Relocated as well as the north tip of the property.

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Applicant's Justification – The Applicant states that the Property will be integrated into the greater Brambleton community and the eastern and northern boundaries of the site will become non-existent, making the buffering unnecessary.

Staff comment – The requirement of this section applies not just to a property adjacent to another residential district, or land bay allowing residential uses, but also adjacent to any single family residential. Staff, therefore believes that a buffer is necessary adjacent to the property on the northern tip. This buffer requirement however, is not required adjacent to Route 659, but only where the PDH district adjoins the residential district or land bay allowing residential uses.

Acknowledged. Applicant respectfully affirms that this requirement applies along the eastern edge of the property as a separate PDH parcel exists between the same edge and Route 659 Relocated. Sheet 13 of the revised CDP illustrates the extent of this modification.

IX. Conformance With Zoning Overlay Districts

A. Section 4-1400, Airport Impact (AI)

1. A portion of the subject Property lies within the Airport Impact (AI) Overlay District, between the Ldn 60 and 65 aircraft noise contours and within one mile beyond the Ldn 60 noise contour, with a small portion within the Ldn 65 or higher. The Plan needs to be revised to show the existing zoning of the property to also include the AI, Airport Impact Overlay District.

LDN contours have been identified on applicable sheets of the revised CDP.

2. A note should also be placed on the Plan stating that any development within the AI district shall be done in accordance with this Section of the Zoning Ordinance.

Note 22 on the Cover Sheet of the revised CDP has been added addressing compliance with the AI Overlay District.

3. It appears that the assisted living facility is proposed to be located within the LDN 60 and 65 aircraft noise contours as well as within the Ldn 65 or higher. It should be noted that in Airport Noise Impact areas of Ldn 65 or higher, residential dwellings are not permitted. The assisted living facility while technically not a residential dwelling, consists of elderly people living in the facility. Staff asked that the Applicant clarify as to whether any portion of the assisted living facility building is to be located in an area of Ldn 65 or higher.

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Acknowledged. LDN contours have been identified on applicable Sheets of the revised CDP. The proposed assisted living facility is not within the AI 65 Ldn Airport Noise Contour.

4. *Staff notes that the AI regulations do not apply to the nonresidential uses permitted in the PD-CC-CC zoning district, but recommends that it be applied to the assisted living facility.*

Applicant respectfully submits that this requirement does not apply. Individual residential units within the proposed assisted living facility are owned by the facility, not individual residents.

5. *Finally, the Applicant should note that Section 4-1405 Disclosure states: "A disclosure statement shall be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AI district, clearly identifying any lot which is located within the AI district and identifying the component of the AI District in which the lot is located". Add the Disclosure Statement on the Cover Sheet of the plan in the note section.*

Notes 22 and 24 on the Cover Sheet of the revised CDP have been added addressing compliance with the AI Overlay District and the related disclosure requirement.

B. Section 4-1500, Floodplain (FOD)

1. *A portion of the site includes areas containing minor floodplain, as shown on The Floodplain Map of Loudoun County. The Plat needs to be revised to show the existing zoning of the property to include the FOD, Floodplain Overlay District. The Plan appears to be sensitive to the existing floodplain areas.*

Acknowledged and revised accordingly.

X. Conformance with Additional Regulations and Standards

A. Section 5-1100, Off-Street Parking and Loading Requirements

1. *On Sheet 10, the Applicant has shown the amount of required vs. proposed parking spaces for the restaurants, pharmacy and automobile service station, but has not provided such information for the assisted living facility. The parking lot calculation needs to be provided for this use as well. Pursuant to Section 5-1102(E), the amount of parking spaces required for the use "Congregate, Continuing Care &*

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“Congregate Housing Facilities”, under which the use “Assisted living facility” is included, the amount of required parking spaces is .33 per resident, plus 1.5 per day shift employee. The amount of loading space required for the use is one.

Acknowledged. Details for the assisted living facility continue to be refined. Note 8 on the Cover Sheet of the revised CDP has been added addressing parking requirements for the facility. Applicant will meet these requirements at the time of site plan.

2. *The automobile service station, pursuant to Section 5-1102(B)(2)(j), is under the category “Motor Vehicle Sales & Service”, and therefore requires minimum parking spaces of 2.5 spaces per 1000 square feet of Gross Floor Area (GFA) of interior sales space plus 1.5/1000 square feet of external display plus 3/service bay. The loading spaces required are 1/25,000 square feet of GFA. On the plat, the Applicant notes a parking requirement of 4 spaces per 1000 square feet GFA. Please correct the calculation on the special exception plat drawing as well as in the notes section in Sheet 10. The parking calculation for the pharmacy use should be based on parking for “Service Retail” i.e. 2.5. parking spaces per 1000 square feet of GFA.*

Acknowledged. The proposed service station does not propose external display space or service bays. Sheet 14 of the revised CDP has been revised accordingly to indicate the appropriate parking requirement.

3. *In order to evaluate impacts and assure that the required number of parking and loading spaces can be provided, and to avoid the possibility of nonconformance issue with the Plat at the time of Site Plan, the loading spaces information for all proposed uses must be provided at this time. The location and screening of all parking and loading spaces must also be provided. Further, any required handicapped spaces should be provided and labeled on the plat.*

Acknowledged. Parking and loading requirements have been shown on the revised CDP.

B. Sections 5-1300, Tree Planting and Replacement

At Final Site Plan, the planting and replacement of trees on-site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be: 1) ten (10) percent tree canopy for sites zoned business and commercial in the PD-CC and PD-H Districts; 2) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10)

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units per acre; and 3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract.

Since this site has existing vegetation, the applicant should ensure and proffer that existing viable stands of trees will be preserved to the greatest extent possible.

Acknowledged. Updated information regarding possible limits of tree save areas has been provided on Sheet 7 of the Revised CDP. Applicant will meet the requirements of Sections 5-1300 upon submission of a final site plan.

C. *Section 5-1400, Buffering and Screening-*

1. The presentation and approval of a landscape plan is addressed at site plan. However, at special exception the applicant is asked to state, in the Notes, what type of buffer is required. Pursuant to Section 5-1414(A)-Buffer Yard and Screening Matrix, the buffer yard requirements for the proposed restaurant use, which is a Group 7 use, and the assisted living facility, which is a Group 3 appears to be a Type 3. Please indicate this on the plat. Similarly, indicate the required front, rear and side buffer for all the uses.

Acknowledged. Sheet 11 of the Revised CDP identifies a 20 foot Type 3 buffer between the proposed restaurant and the assisted living facility.

2. Comments on the utilization of existing vegetation to meet buffer planting requirements should be placed in the Notes.

Note 25 on the Cover Sheet of the revised CDP has been added addressing utilization of existing vegetation.

3. The Applicant will be required to provide peripheral parking lot landscaping, at the time of site plan, in accordance with Section 5-1413 (C) of the Zoning Ordinance, or the required buffer yard, whichever is greater.

Acknowledged. Applicant will meet the requirements of 5-1413 (C) upon submission of a final site plan.

4. The Applicant will have the option of requesting a modification or waiver of the required buffer yard by the Zoning Administrator at the time of site plan, pursuant to

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Section 5-1409 of the Ordinance, unless a specific condition of approval is added prohibiting such a request.

Acknowledged.

D. Section 5-1413, Parking Lot Landscaping and Screening Requirements

A note should be placed on the Plat, stating that the use will conform to this Section of the Zoning Ordinance, with regards to interior parking lot landscaping and peripheral parking lot landscaping.

Note 26 on the Cover Sheet of the revised CDP has been added addressing the requirements of Section 5-1413.

XI. ZMAP Checklist

1. *The Applicant has delineated the open space areas in the development. Clarify and describe the character of the open space as well as that of the proposed active recreation space on the CDP sheet [Checklist # 7].*

Sheets 3, 4, 7 and 8 of the revised CDP illustrate proposed perimeter buffers and natural open space in addition to active and passive open space. Applicant proposes to incorporate the existing floodplain, riparian buffers, and wetland areas into the project. A community tot lot is to be located near the northern boundary of the Property in addition to a community play area at the southeast corner of the proposed residential development. Proposed sidewalks (5 feet wide) and a multipurpose trail (8 feet wide) will provide pedestrian connectivity between land bays. The development will also include linkages to the Brambleton community trail network.

XII. Proffer Statement

1. *The Applicant has not provided any proffers to date. If the Applicant wishes to submit proffers for consideration, they are required to be submitted as part of the Applicant's response to the first written review of the issues (6-1209(A)(1)), and no later than 45 calendar days prior to the scheduled public hearing before the Board of Supervisors (6-1209(A)(2)).*

Acknowledged. A proffer statement is forthcoming.

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2. *If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.*

Acknowledged.

XIII. Other Issues/Comments

1. *On the Cover Sheet (Note # 2, # 13), reference the correct zoning ordinance "Revised 1993 Loudoun County Zoning Ordinance". Similarly, for note # 2 on Sheet 5.*

Acknowledged and revised accordingly.

2. *On the Cover Sheet, there appears to be a conflict between note # 8, which states that the project will be constructed in a single phase, and note # 18, which states that the project is proposed to be developed in multiple phases. Correct/clarify this inconsistency.*

Note 8 has been removed from the Cover Sheet.

3. *In note # 15, it appears the correct word is "amenities" not "amentaties".*

Acknowledged and revised accordingly.

4. *Revise note # 12 to clarify that the site layout is final, and subject to minor changes only due to engineering constraints.*

Note 11 on the Cover Sheet has been added addressing the revision.

5. *On the Cover Sheet, for "Site Owner" information, include the existing zoning of the site as R-1, PD-GI (Planned Development-Industrial Park), FOD (Floodplain Overlay District) and A-I (Airport Impact Overlay District). The FOD and A-I overlay districts should also be included in note # 1.*

Acknowledged and revised accordingly.

6. *On the Special Exception Plat (Sheet 9), correct note # 1. The correct use is "assisted living facility" not "adult care facility".*

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Acknowledged and revised accordingly.

7. *On the Special Exception Plat (Sheet 9), in note # 2, insert the words "Revised 1993" before the words "Zoning Ordinance".*

Acknowledged and revised accordingly.

8. *The Statement of Justification for the Special Exception (page 3) notes that there are no floodplain areas on the property. This is incorrect, as the County Mapping system (LOGIS) indicates an area of floodplain on the western portion of the property. If the Applicant believes that the County Mapping system is in error, then a floodplain study which shows that there is no floodplain on the property must be submitted.*

Acknowledged and revised accordingly.

9. *Please label the Illustrative perspective drawings on Sheet 3 of the Plan.*

Acknowledged and revised accordingly.

10. *Route 659 Relocated is identified on the Countywide Transportation Plan (CTP) as being an arterial road. As such, pursuant to Section 5-1406(E)(2), a type 3 buffer yard must be provided adjacent to this road. In addition, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1.*

Applicant respectfully submits that no portion of the Property is adjacent to Route 659 Relocated. A separate parcel is located between the eastern edge of the property and Route 659 Relocated. Any required buffering should be installed on that parcel.

11. *On Sheet 1, the zoning of the adjacent property to the west, owned by the Hanson Family Partnership, is shown as TR3UBF. The County's Mapping system depicts this property as being zoned R-1. Correct and/or clarify this inconsistency.*

Acknowledged and revised accordingly.

12. *On Sheet 10, in the modification section, correct the reference to "adult care facility" to "assisted living facility".*

Acknowledged and revised accordingly.

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13. *The assisted living facility use does not have a maximum FAR (Floor Area Ratio) requirement. However, Staff asked that the Applicant provide information on the maximum lot coverage proposed for the facility, FAR and number of units or bedrooms, and note this on Sheet 10 of the plat. This will also aid in the calculation of the required parking and loading spaces for the facility.*

Details for the assisted living facility continue to be refined. Applicant has requested a zoning modification to achieve 60% maximum lot coverage (60,000 square feet). Note 8 on the Cover Sheet of the revised CDP has been added addressing parking requirements for the assisted living facility. Applicant will meet these requirements at the time of final site plan.

The special exception plat must depict and label the location of the dumpster pads.

Acknowledged and revised accordingly.

LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES

1. *The applicant's proposed development plan is not consistent with the land uses included in the traffic study. For example, on Table 7 of the traffic study, a drive in bank is assumed and one 7,000 square foot fast food restaurant with drive through. In addition no mention is made in the study of the 60,000 square foot assisted living facility or the pharmacy. The study does include a hotel which is not included in the application description. Also, the assisted living facility needs to be clarified in terms of the number of rooms in order to calculate trip generation. In any event, the traffic study will need to be revised to be consistent with the proposed development plan and the proposed development plan needs further clarification.*

Acknowledged. The traffic study has been updated to match the current development program. A copy of the revised study is included with this submission.

2. *The development of this property cannot proceed until Brambleton has implemented improvements to move forward to Phase 2 of its development. This would include construction of Route 659 Relocated to Route 50 and the East West Connector Road east to the future Loudoun County Parkway. In addition, the applicant can't take proffer credit for roads built by Brambleton or other developments. The applicant will need to provide improvements which alleviate the projected traffic it produces.*

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Acknowledged. Although this project could stand alone, a comprehensive approach to building an adequate roadway network is being proposed. Brambleton is currently moving forward, as proffered, to implement Phase 2 conditions. The improvements provided with this and other projects will allow for critical road connections (i.e. Route 621 Relocated between Evergreen Mill Road and Route 659 Relocated) to be made. In addition, these projects will provide contributions to facilitate implementation of other critical CTP roadways (i.e. Loudoun County Parkway).

3. *The applicant needs to construct adequate access to serve this site. What is the proposed access initially? Please clarify. At a minimum, four lanes of the East-West Connector Road should be constructed between existing Route 621 at the western edge of the site east to existing Route 659 and Route 659 Relocated should be constructed as a two lane road between Route 772 and Route 621. The implications of the site traffic to adjacent needs to be clarified. In addition, the phasing of off site roads which need to be in place needs to be clarified (Loudoun County Parkway between Route 772 and Route 50, Creighton Road, etc.) A level of service D needs to be maintained and multiple access points available. This can't be fully determined, however, until the actual development is determined and studied.*

Access to the site would be provided by three site driveways along Route 659 Relocated, and two site driveways along the proposed East-West Connector. The East-West Connector would be constructed as part of the development as a four lane section between Evergreen Mills Road (Route 621) and Route 659 Relocated. It is also anticipated that a complete four-lane Route 659 Relocated would be constructed with implementation of this project. It has been determined that the local roadway network would operate at an acceptable level of service, "D" or better at project build-out and beyond.

4. *In order to accommodate the future widening of Route 659 Relocated and Route 621 Relocated, the applicant needs to dedicate 60 feet from the road centerline along both properties plus right-of-way required for right turn lanes. In addition, the applicant needs to provide all necessary construction related easements including drainage, grading and utility easements.*

Applicant respectfully submits that the requested right-of-way and easements along Route 659 Relocated are on lands not owned by the Applicant or subject to this application.

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Also, while 60 feet of dedication area is appropriate for Route 659 Relocated because Route 659 Relocated is planned to be a six-lane divided road, Route 621 Relocated is planned to be a four-lane divided road. As a result, only 42 feet of right-of-way needs to be dedicated (as measured from the centerline of the roadway) for the through lanes.

5. *The applicant needs to contribute to traffic signals at the existing and future intersections of Route 621/East-West Connector, Route 659 Relocated/Route 621 Relocated and the proposed site entrances. Other signal contributions may also be in order.*

Acknowledged when and if warranted by VDOT. Other locations may be appropriate but on a pro-rata basis that would include contributions from all nearby users. Applicant would consider contributing the monies necessary for these traffic signals to the Brambleton Transportation Improvement Fund, to be used for transportation improvements in the vicinity of the greater Brambleton community, and to the extent that capital facilities credit is given for these improvements.

6. *The applicant needs to provide for bicycle and trail connections along Route 659 Relocated and Route 621 Relocated within the site and ensure that they connect with approved sidewalks/trails on the adjacent parcels including Brambleton.*

Updated information regarding sidewalk and trail connections has been provided on Sheets 8 and 9 of the revised CDP. Applicant respectfully submits that the property along Route 659 is not owned by the Applicant or subject to this application.

7. *In order to facilitate transit facilities and service in the future, a \$500 per unit contribution is recommended. This could also take the form of capital improvements such as provision of a bus shelter, a park & ride lot or purchase of buses.*

As discussed with Art Smith, Senior Coordinator for the Office of Transportation Services and other Staff representatives, Applicant envisions utilizing its capital facilities contributions and mass transit contributions towards the construction of Loudoun County Parkway and related transportation improvements through the use of the Brambleton Transportation Improvement Fund.

8. *The concept plan shows several proposed private roads within the site and three private street interparcel connections to the north. Has the applicant coordinated with the property to the north regarding maintenance responsibilities and the*

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right of mutual access? Please clarify. Also, please note that the proposed private streets will need to be maintained by the property owners. VDOT and Loudoun County would not be responsible for ownership or maintenance. Finally, the private streets must be constructed in accordance with the Loudoun County Facilities Standards Manual.

The Property has been designed as an extension of the Brambleton community. Maintenance and right of mutual access will be under the auspices of the Brambleton Homeowners Association. Private streets will be constructed in accordance with the Loudoun County Facilities Standards Manual (FSM).

9. *This application needs to be understood in light of the totality of Brambleton proffers. This would include improvements necessary for the Brambleton project to move to its second phase.*

Applicant and Applicant's representatives have had several meetings with Art Smith and other representatives of staff to discuss the status of the Brambleton development. If further questions exist, the Applicant would be happy to answer them.

VIRGINIA DEPARTMENT OF TRANSPORTATION

1. *Since adequate design information for the proposed public roads is not provided at this time we are unable to provide a meaningful review/or verify conformance to applicable VDOT standards. However, as a minimum the design of these roads should conform to the following:*

The design of all public roads should be per VDOT Road Design Manual, Volume I and Road Design Manual, Appendix B, Subdivision Street Design Guide, latest edition, based on the projected traffic volume (ADT) for individual roads.

All private street entrances should conform to VDOT's Minimum Standards of Entrances to State Highways, latest edition.

Meandering road alignments with multiple reverse curves, short curves and broken back tangents are not desirable and should be avoided.

Length of vertical and horizontal curves should be three (3) and fifteen (or minimum 200') times the design speed respectively.

All intersections should be ninety-degree angle.

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Drainage design should be in accordance with VDOT Drainage Manual, latest edition.

The landscaping proposed along public roads should provide adequate sight distance at every intersection.

Acknowledged. Design elements described above will be included with the submission of a final site plan.

2. *The dedication of right-of-way for public roads (existing and proposed) should be adequate to accommodate turning lanes at all intersections. (It appears that the present layout does not provide for these lanes and should be revised accordingly.)*

Updated information regarding the approximate location of turn lanes has been provided on sheet 7 of the revised CDP.

3. *The applicant should be aware that the information shown on this application is conceptual and in no way represents an acceptable design. We will however review this plan in detail when preliminary or construction plans are submitted in future to verify conformance. (It is suggested that the plan be engineered now without showing design details to avoid major revisions in future.) We also reserve the right to recommend revision, which may be major in some cases, if design of public roads is not conforming to applicable VDOT standards.*

Acknowledged.

LOUDOUN COUNTY DEPARTMENT OF FIRE-RESCUE

1. *The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objections to the application as presented.*

Acknowledged.

ARCOLA-PLEASANT VALLEY VOLUNTEER FIRE DEPARTMENT:

1. *The applicant shall require all builders to provide and install a residential fire sprinkler system for each residential unit constructed; provided that the water supply system to any such residence has sufficient capacity to support the sprinkler system. All model homes utilized by the applicant and/or builder on the*

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property for marketing purposes shall be constructed with a residential sprinkler system. All marketing information packets shall include promotional materials on the benefits of automatic fire sprinkler systems offered by the manufacturer of residential fire sprinkler systems, and United States Fire Administration. All sales agents must orientated to the benefits of residential sprinkler systems. All Features brochures shall include the residential sprinkler system and shall be printed in a fashion (i.e. double font size, italics, bold, etc.) to attract the buyer/reader's attention, as proof from the builder they are committed to providing a product with the safety and welfare of the purchaser in mind.

Given the cost of residential fire sprinkler systems, residents do not often choose to install them in their homes. Due to the already high cost of development and resulting costs of homes, Applicant will not be requiring builders to provide and install residential fire sprinkler systems in all homes. Applicant will encourage builders to offer to provide and install residential sprinkler system and will encourage builder to include this option in their marketing and sales materials.

2. *The applicant shall contribute an initial base sum of money of \$250.00 per unit for each residential unit, and an initial base sum of \$0.20 per gross square foot, per story of non-residential buildings, and shall escalate in accordance with the CPI beginning with the base year 1988. The initial contribution shall be payable to the County of Loudoun at the time of issuance of the zoning permit. For the purpose of this section a residential unit includes each single-family detached unit, each single-family attached unit, and each multi-family unit. Said contributions shall be divided equally between the primary serving fire and rescue services. The County shall pay the collected proceeds to the primary serving fire company and the primary serving rescue company. In the event that a volunteer company is not the primary provider of fire and/or rescue service, the aforementioned contributions shall be discontinued on a basis of 50% for the primary fire service provider and 50% for the primary rescue service provider.*

Applicant shall contribute an appropriate initial base sum of \$120 for each residential unit for the purpose of supporting the local fire and rescue company. As the County is aware, the Brambleton community has proffered to dedicate a fire and rescue site and such site will be located on the south side of Route 621 Relocated, approximately one-half mile east of the Property.

3. *Applicant shall provide all weather gravel compacted access for emergency vehicles to those portions of the project which are under construction, not later than the framing stage of construction, subject to approval of the Fire Marshall's office.*

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Acknowledged.

4. *Access to alternative water sources or dry hydrants shall be provided to Loudoun County Fire and Rescue wherever impounded water is available on the site, in order to provide additional possible water sources for department use in the event of emergencies.*

Acknowledged.

LOUDOUN COUNTY DEPARTMENT OF CONSERVATION AND RECREATION

1. *According to the information currently in our files, natural heritage resources have not been documented in the project area. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.*

Acknowledged.

2. *Our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.*

Acknowledged.

ENVIRONMENTAL REVIEW TEAM

Regarding Streams, Wetlands, and Buffers

1. *A wetland delineation is provided on the plan, however the source of the delineation is not identified. Please add a note to the Cover Sheet indicating the source and date of the delineation depicted on the plan and whether or not a Jurisdictional Determination (JD) has been issued by the Army Corps of Engineers (including the JD number and approval date). The Corps-approved delineation is needed to determine if any modifications to the proposed development layout are necessary to accommodate the presence of jurisdictional waters and wetlands. The approved wetland delineation is also instrumental in meeting the wetland permit requirements in FSM 5.310.E and to ensure that the discharge of stormwater pollutants to wetlands will be minimized in accordance with FSM 5.310.F.*

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Acknowledged. Note 27 has been added to the Cover Sheet of the revised CDP indicating the source and date of wetlands information and date of Jurisdictional Determination.

2. *Please provide a separate Concept Development Plan Combined sheet depicting the wetland delineation to facilitate staff review and analysis of the information presented. Currently, the wetland delineation is combined with the Cover Type Inventory, and it is difficult to discern the individual elements presented on the plan. In addition, please clarify the location of jurisdictional waters and add the Legend (including the Forest Stand Habitat Legend where applicable) to the Concept Development Plan Combined sheets.*

Acknowledged. See sheet 10 entitled "Concept Development Plan – Wetlands."

3. *Based on the current information provided, it appears that an effort has been made to avoid impacts to jurisdictional wetlands and waters located within the Minor Floodplain along the western property boundary. However, impacts to jurisdictional waters and wetlands are currently proposed to accommodate roads, lots, and stormwater management facilities, including proposed forested wetland impacts in the northeast corner of the project adjacent to Relocated 659. Staff recommends that the applicant confer with the Army Corps of Engineers and the Department of Environmental Quality to ensure that the proposed development layout meets the avoidance and minimization criteria of Section 404 of the Clean Water Act and Section 9VAC25-210-115A of the Virginia Water Protection Permit Regulations.*

Acknowledged. Applicant is currently working with an environmental consultant to facilitate a permit from the U.S. Army Corps of Engineers. The CDP has been revised to decrease wetland impacts.

4. *Staff recommends that a minimum 100-foot riparian buffer be provided adjacent to the Minor Floodplain consistent with the River and Stream Corridor Resources Policies in the Revised General Plan (Page 5-6). The 100-foot buffer should be depicted on the Concept Development Plan and a proffer should be provided establishing that the 100-foot riparian buffer (as measured from the channel scar line) will be preserved in its natural state. Staff notes that this buffer should be expanded to incorporate adjacent steep slopes, where applicable, consistent with plan policies. Currently, given the proximity of the proposed development layout to the Minor Floodplain, the buffer has not been provided in most areas and floodplain encroachments will likely be necessary to facilitate the proposed development.*

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Acknowledged. The project has been deliberately designed to incorporate and protect the existing stream and associated riparian buffer. Existing vegetation within this area has been identified as possible tree save areas. Further, where possible, Applicant has sought to maintain the recommended 50 foot management buffer outside the limits of the minor floodplain. Sheet 7 of the revised CDP illustrates approximate locations for possible stormwater management / best management practice areas. Further details regarding specific stormwater management techniques will be provided upon submission of a final site plan; however, we would be happy to meet with Staff to discuss further, if Staff believes that such a meeting is warranted.

5. *Staff recommends that a 50-foot buffer be provided surrounding all jurisdictional waters and wetlands to ensure that these areas will not be disturbed by adjacent development.*

Acknowledged. See response to item 4 above.

Regarding Forest Resources

1. *Staff recommends that forested Open Space areas, particularly forested riparian corridors, be designated as Tree Conservation Areas to ensure the preservation of these areas and their benefits to water quality. Staff further recommends that a proffer be provided to support tree preservation within these areas incorporating the sample proffer language provided as an attachment to this referral.*

Acknowledged. Approximate tree save areas have been provided on sheet 7 of the revised CDP. A proffer statement acknowledging these areas is forthcoming.

2. *Staff supports tree conservation with Cover Types B, F, and E, as recommended in the Forest Stand Delineation Report submitted with the application. Staff recommends that Tree Conservation Areas be planned with the goal of avoiding fragmentation of existing vegetation in mind. Staff further recommends that a strip of existing vegetation located adjacent to Rt. 659 relocated, a minimum of 50-feet wide, be preserved within a Tree Conservation Area to ensure an adequate buffer between the road and the proposed development.*

Acknowledged. Approximate tree save areas have been provided on sheet 7 of the revised CDP. Applicant respectfully submits that no portion of the Property is adjacent to Route 659 Relocated. A separate parcel is located between the eastern edge of the property and Route 659 Relocated.

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Regarding Soils

1. *Please provide a separate Concept Development Plan Combined sheet depicting the soils information in order to facilitate staff review and analysis of this information. A plan sheet depicting the soils and development overlays is not currently provided. Based upon the Existing Conditions Map, it appears that lot development is currently proposed in areas with hydric soils. The Preliminary Soils Review to be conducted in conjunction with the preliminary plat typically recommends that basement construction be avoided within hydric soils due to the potential for wetness problems. As a result, staff recommends that a proffer be provided indicating that lots located on hydric soils will be identified on the preliminary and record plat with a note stating "Loudoun County recommends against building houses with basements in hydric soils due to potential severe wetness problems."*

Sheet 11 has been added to the revised CDP depicting soils information. Applicant will develop the Property in accordance with geotechnical recommendations in order to mitigate problematic drainage and hydric soils.

Regarding Stormwater Management and Best Management Practices

1. *Additional stormwater management (SWM)/best management practice (BMP) facilities may be needed to accommodate the proposed development. Please identify the location, size, and type of SWM/BMP facilities proposed on the Concept Development Plan consistent with Item K.4 of the Rezoning Checklist. Staff notes that the SWM/BMP approach for the project should incorporate treatment for Rt. 659 Relocated and the proposed East-West Connector as needed. Staff encourages the applicant to consider incorporating infiltration measures into the SWM/BMP approach for the project within Mapping Unit 73B and in other soils with adequate provision for underdrains.*

Acknowledged. Sheet 7 of the revised CDP illustrates approximate locations for possible stormwater management / best management practice areas. Further details regarding specific stormwater management techniques will be provided upon submission of a final site plan; however, we would be happy to meet with Staff to discuss further, if Staff believes that such a meeting is warranted.

2. *Staff recommends that a Stormwater Management Proffer be provided incorporating enhanced SWM/BMP measures. For example, in lieu of extended detention facilities, enhanced extended detention facilities with higher pollutant*

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removal capabilities should be agreed to in the proffer. In general, the proffer should specify that the most efficient pollutant removal BMPs will be used, that existing drainage patterns and hydrology to wetlands will be maintained, and that Low-Impact Design BMPs such as bioretention and sheet flow to vegetated buffer areas will be implemented. Staff further recommends that the applicant consider incorporating open section roads into the development plan to facilitate opportunities for pollutant removal and infiltration.

Acknowledged. See response to item 1 above.

Regarding the Airport Overlay District

1. *While it is noted on the Existing Conditions Map that the property is located within the Airport Impact Overlay District and the Ldn boundaries are depicted on the Existing Conditions Map and the Concept Development Plan Combined sheets, staff recommends that a note be added to the cover sheet indicated that portions of the property fall within the Ldn 65, the Ldn 60, and the Ldn 60 1-mile buffer and that disclosure, acoustical treatment, and avigation easements may be required consistent with Section 4-1400 of the 1993 Revised Zoning Ordinance.*

Note 22 on the Cover Sheet of the revised CDP has been added addressing compliance with the AI Overlay District.

Regarding the Existing Conditions Map

1. *Please depict the location of all existing wells and septics on the Existing Conditions Map. In addition, please label the structures identified in the Phase I Archeological Report on the Existing Conditions Map.*

Acknowledged and revised accordingly on sheet 6 of the revised CDP.

Regarding Existing Wells and Septics

1. *Water and sewer serve the proposed development. Drainfields associated with any existing structures to be demolished will need to be abandoned in accordance with Part 10, Chapter 1066.09 of the Loudoun County Code. Wells not donated to the County Monitoring Program will need to be abandoned in accordance with Part 10, Chapter 1040.10 of the Loudoun County Code. Staff encourages that the applicant to consider proffering the donation of one or more of the existing wells to the County Monitoring Program. In particular, the well located within the Open Space in the southeast corner of the development adjacent to the existing*

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structure appears to be accessible from the planned entrance and may be a viable location for a donated well. Existing wells that are donated do not need to be abandoned. Please contact Glen Rubis at (703) 777-0397 for additional information on the County Monitoring Program.

Acknowledged. Existing wells not donated to the Loudoun County Monitoring Program will be abandoned in accordance with Chapter 1066.09.

Regarding Digital Data

1. *The ERT is embarking on a project to map and inventory wetlands and cultural resources located within Loudoun County. We are requesting that the engineering community contribute digital data to this effort. Specifically, two separate digital data layers are requested, one depicting the Corps-approved wetland delineation (including jurisdictional wetlands and waters) and the other locating the sites identified in the Phase 1 Archeological Survey. Loudoun County's GIS uses ESRI software and can import .DXF data. Our coordinate system is Virginia State Plane. Datum NAD 83 data is preferable if available. Documentation on the digital data (e.g., map scale, age, etc) would be helpful. The requested information is currently depicted on the rezoning application, however, if this information cannot be provided prior to approval of the rezoning application, staff recommends that a proffer be provided indicating when this information will be submitted to the County.*

Acknowledged. Applicant will be happy to provide a digital copy of the USACE approved wetland delineation at the time of subdivision approval.

LOUDOUN COUNTY SCHOOL BOARD

1. *The Ashburn area is presently and will continue to experience significant student enrollment growth. Children from currently approved developments will more than fill the area schools. Additional development from new rezonings and by-right developments will place the schools in further jeopardy from a capacity perspective.*

Acknowledged. Brambleton is proffered to provide three (3) elementary schools sites and one (1) high school site. These schools will serve 2,625 elementary school students and 1,600 high school students. Applicant respectfully submits that it is doing more than its pro-rata share to offset the school impacts in and around Brambleton. Applicant further submits that these schools will more than adequately serve the children generated by this development.

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2. *Capital facility proffer calculations indicate that public schools account for approximately 80 percent of Loudoun's estimated capital costs. A proportionate share of this project's capital facilities contribution should be set aside for public school capital projects. This designation should be noted within the Capital Facilities Contribution proffer statement (or other appropriate documentation) for the Brambleton Brandt Property.*

The application of any capital facilities contributions is in the discretion of the Board of Supervisors. As the Brambleton community will contain three elementary schools and one high school upon build out, the Applicant is seeking to have any capital facility contributions generated by this application applied to the Brambleton Transportation Improvement Fund for the construction of Loudoun County Parkway and other related roadway improvements.

3. *Accordingly, in order to ensure that students residing within the Brambleton Brandt Property can safely walk to and from bus stop locations, pedestrian walkways should be provided and allow for public access easements.*

The greater Brambleton community contains an extensive network of sidewalks and trails. Updated information regarding sidewalks, trails, and crosswalks has been provided on sheet 8 of the revised CDP. This network will enable students to safely walk to and from bus stop locations.

LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES

1. *No proffers were submitted with this application. Please provide proffers for review.*

Acknowledged. A proffer statement is forthcoming.

2. *PRCS is encouraged and supportive of the Applicants vision and offer to evaluate proffering meaningful upgrades at Brambleton Community Park. Under the original Brambleton rezoning application (ZMAP 1993-0005), the Applicant (Brambleton Land Corporation) proffered to dedicated approximately twenty-four (24) acres for a Community Park which was to include, two (2) football fields, one (1) soccer field, four (4) softball fields and two (2) baseball fields. However, the Applicant under the proffer is only required to graded, seed and provide goal post and /or backstop and home plate, according to the type of fields. Parking, lighting, irrigation, fencing (baseball, softball outfields and perimeter/site), bleachers, restrooms, concession, storage facilities and utilities are not included*

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in the original proffer and therefore, become the responsibility of the County to provide. The Park is on schedule to be dedicated to the County late fall of 2006; however, without at least parking and fencing, it will not be accessible to the public. PRCS is available to meet with the Applicant and Planning Department to discuss and evaluate the necessary improvements that benefit and completes the facilities for public use.

The Brambleton Regional Park was dedicated in connection with ZMAP 1993-0005. As discussed with representatives from County Staff, including members of Parks and Recreation Staff, the Applicant will seek to have any capital facilities contributions generated by this application applied to the Brambleton Transportation Improvement Fund for the construction of Loudoun County Parkway and related transportation improvements. Applicant is happy to discuss the application of some portion of any excess funds to the further improvement of the park.

3. *This project adds 238 single-family detached and single-family attached dwelling units and offers no contribution to public recreation. The Applicant should demonstrate to staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in the Dulles north area.*

At build-out, the Brambleton community will more than adequately serve the recreational and leisure benefits of Brambleton residents and County residents. In addition to the Brambleton Regional Park site and related ancillary fields dedicated in connection with the rezoning of the Brambleton community and in addition to the fields and recreational facilities that will be provided in connection with three elementary school sites and one high school site dedicated by Brambleton, the Brambleton community will provide at least three (3) community centers (including pools), four (4) tennis courts, four (4) multi-purpose courts, seven (7) tot lots, three (3) soccer fields, three (3) softball fields, miles of trail network, countless pocket parks and open space, and one (1) golf course at build-out. As such, the Brambleton community can more than adequately provide for the residents of this 236 unit development.

Applicant respectfully submits that the recreational and leisure needs of these residents can be met without taxing the existing public recreational facilities in the vicinity of the Property.

4. *Clarify what recreational amenities and opportunities are being provided for the residents of this development. This development should provide recreational facilities (passive and active), parks, and trails for its own residents within walking distance of this neighborhood. Provide more detail as to uses and facilities proposed to meet the recreational and civic needs of this community.*

Sheets 3, 4, 7 and 8 of the revised CDP illustrate proposed perimeter buffers and natural open space in addition to active and passive open space. Applicant proposes to incorporate the existing floodplain, riparian buffers, and wetland areas into the project. Applicant also proposes 10.7% of the proposed residential development be dedicated for useable public/civic space in the form of a community tot lot near the northern boundary of the Property and a community play area at the southeast corner of the proposed residential development. Proposed sidewalks and a recreation trail will provide pedestrian connectivity between land bays. The development will also include linkages to the Brambleton community trail network.

5. *The Loudoun County Bicycle and Pedestrian mobility Master Plan (BPMMP), Walkway and Sidewalk Policies, 2 (a); "Sidewalks in the Suburban Policy Area: Residential streets should have sidewalks with a **minimum width of five (5') feet**. PRCS recommends that all internal sidewalks be a minimum of 5 feet. It is important to recognize that providing a wider width for sidewalks does not necessarily add to the safety of sidewalk bicycle travel. Utilizing or providing a sidewalk as a shared use path is unsatisfactory. Sidewalks are typically designed for pedestrian speeds and maneuverability and are not compatible with for higher speed bicycle use.*

Updated information regarding sidewalks, trails, and crosswalks have been provided on sheet 8 of the Revised CDP. Applicant agrees to provide internal sidewalks of at least 5 feet in width and to incorporate the proposed 8 foot multi-purpose trail into the larger Brambleton community trail network.

6. *Under the Land Development Policies (Chapter 4) of the Countywide Bicycle and Pedestrian Mobility Master Plan. (B.6), .."All land development applications shall provide bicycle and pedestrian access through the development in various directions, so as to prevent it from becoming a barrier between other trip origins and destinations in the community";...(B.7) "All land development applications shall provide a sufficient number of bicycle and pedestrian access points to ensure efficient connections to and from the various activity nodes within the development and linkages to existing or future adjacent developments." The applicant should demonstrate to staff, the Planning Commission, and the Board of*

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Supervisors how bicycle and pedestrian access to and through the development and connections to adjacent developments are being met.

Updated information regarding sidewalks, trails, and crosswalks has been provided on sheet 8 of the revised CDP to include proposed pedestrian connections and means for connectivity with surrounding neighborhoods.

7. *Please clarify on sheet 7 of 10 the proposed eight (8) foot trail. The legend depicts the trail as a solid line however; it is unclear where the trail is located on the concept plan. The same is true for the proposed sidewalk.*

Updated information regarding sidewalks, trails, and crosswalks has been provided on sheet 8 of the revised CDP.

8. *PRCS strongly supports any efforts to protect and preserve wetlands, trees, and native vegetation because these contribute directly to protecting the health of surface water, groundwater, air quality, and aesthetics – all of which contribute to the health of the community's residents. We recommend that any substantial "tree save" area has a Forest Management Plan that addresses the use, maintenance, target vegetation, wildlife management goals and methods, and other aspects of sustaining a functional and attractive natural area. The management plan should address how multiple layers – overstory, understory, shrub and herbaceous layers – will be maintained to ensure the health and functionality of the vegetated open space.*

Possible tree save areas are so noted on sheet 7 of the revised CDP to include existing vegetation along the minor floodplain.

9. *Please show on the Concept Development Plan the approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed. Zoning Map Amendment Application Checklist of Minimum Requirements, (K.4).*

Acknowledged. Sheet 7 of the revised CDP illustrates approximate locations of possible stormwater management / best management practice areas. Further details regarding specific stormwater management techniques will be provided upon submission of a final site plan.

10. *Please provide more information on the PD-H4 parcel of land along future Route 659 Relocated and the Property.*

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See the Revised Statement of Justification and revised CDP included with this submission.

LOUDOUN COUNTY DEPARTMENT OF SOCIAL SERVICES

1. *These thirty (30) ADUs must be marked as ADUs on the record plat. In accordance with Ordinance requirements we ask that they be properly interspersed. The record plat should also clearly provide ADU information in table form.*

Acknowledged. The record plat will set forth the number and location of ADUs. Note 21 on the Cover Sheet of the revised CDP has been added noting the ADU requirement. ADU dispersal and unit type will be included at the time of final site plan.

LOUDOUN COUNTY SANITATION AUTHORITY

1. *Prior to approval of this application, the proposed water and sanitary sewer layout and source of access to existing facilities need to be shown on the concept development plan.*

Acknowledged.

2. *Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority. Public water and sanitary sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy; Rates, Rules and Regulations; and Design Standards.*

Acknowledged.

4. *Access to alternative water sources or dry hydrants shall be provided to Loudoun County Fire and Rescue wherever impounded water is available on the site, in order to provide additional possible water sources for department use in the event of emergencies.*

Acknowledged.

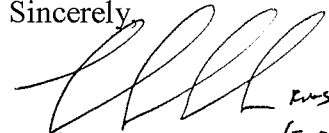
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We hope that the foregoing information is helpful. As always, if you have further questions or if I can provide additional information, please do not hesitate to call or email. We look forward to continuing to work cooperatively towards a positive resolution of this case.

Sincerely,

A handwritten signature in cursive script, appearing to read 'CGS', followed by the printed name 'Colleen Gillis Snow'.

Colleen Gillis Snow (FOR COLLEEN GILLIS SNOW)

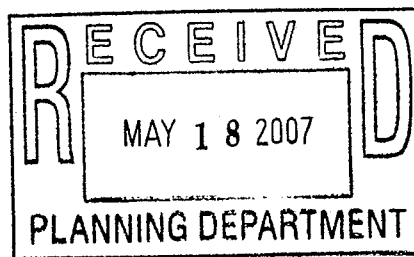
CGS:ns

Enclosures

cc: Stephen T. Schulte, P.E., Brambleton Group, LLC
David T. McElhaney, P.E., Urban Engineering & Associates, Inc.
Brian Sears, P.E., Urban Engineering & Associates, Inc.
Jody Leidolf, Parker Rodriguez
Christopher Turnbull, Wells & Associates
Antonio J. Calabrese, Cooley Godward LLP

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Mike Elabarger
Project Manager
Department of Planning
Loudoun County
1 Harrison Street, S.E., 3rd Floor
Leesburg, VA 20177

**Re: ZMAP 2004-0024, Brambleton Brandt Property
2nd Referral Summary Report**

Dear Mike:

This letter constitutes our response to the Staff and Agency second review comments that we have received to date regarding the above-referenced rezoning application. The Staff/Agency review comments are addressed below in chronological order. Each comment is summarized (noted in italics) and followed by our response.

Loudoun County Sanitation Authority

Comment: The proposed water and sanitary sewer layout and source of access to existing facilities still need to be shown on the concept development plan prior to approval of this application.

Response: Comment acknowledged. Please see the revised CDP.

Department of Social Services – Housing

Comment: For this submission, the total number of units being proposed is two hundred and thirty-eight (238) SFD/SFA. The total number of required ADUs in accordance with Section 7-103(A) of the Loudoun County Zoning Ordinance for this project as proposed calculates to Thirty (30) [238 SFD/SFA X .1250 = 29.75 = 30].

As indicated in the original referral and acknowledged by the Applicant, these ADUs must be marked as ADUs on the record plat. In accordance with Ordinance requirements we ask that they be properly interspersed. Based on correspondence regarding Section 7-104 (C) of the 1993 Loudoun County Zoning Ordinance and the interspersion of ADU units by the Zoning Administrator and the Affordable Dwelling Unit Advisory Board (ADUAB), it has been

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determined that no ADU should be immediately adjacent to or across from another ADU. No more than 3 ADU units should be located in a row of six or more townhouses. No more than 2 units should be located in a row of three to five townhouses. In order to achieve ordinance compliance, the required ADUs should be offered, appropriately located, and marked if the applicant desires to build the two hundred and thirty-eight (238) units as proposed.

Response: Applicant shall provide 30 ADUs, which will be properly interspersed throughout the proposal. In accordance with the Zoning Ordinance requirements, Applicant shall identify the ADUs on the record plat.

Loudoun County Office of Transportation Services

- 1. The development of this property cannot proceed until Brambleton has implemented improvements to move forward to Phase 2 of its development. This would include construction of Route 659 Relocated to Route 50 and the East West Connector Road east to the future Loudoun County Parkway. In addition, the applicant can't take proffer credit for roads built by Brambleton or other developments. The applicant will need to provide improvements which alleviate the projected traffic it produces. The applicant notes that they are providing a comprehensive approach to building an adequate road network including constructing Route 621 Relocated (The East-West Connector) between Route 621 and Route 659 Relocated. The applicant has specifically included in the draft proffers to construct this road as a four lane divided road along their frontage for this application and provide \$17,130 per unit towards the Brambleton Transportation Improvement Fund. This raises several issues. First, the eventual construction of Route 621 Relocated between Route 621 and Route 659 Relocated will not help alleviate the additional site traffic placed on Route 621 eastbound through the Village of Arcola. Please note that the traffic study assumes that over 60% of the site traffic will access the site to and from Route 607 and Route 772 to the east. Without the Route 621 Relocated connection, existing Route 621 is the most direct Route. Only the extension of Route 621 Relocated east to the Loudoun County Parkway will provide the full relief. How will the applicant address this issue with this particular application? Second, the applicant proposes to provide \$17,130 per residential unit to the Brambleton Transportation Fund. How was this contribution amount arrived at? By providing this contribution to the Brambleton Trust Fund, who would actually decide how/where this money is spent? Why wasn't a per square foot contribution made for the proposed commercial uses? Please clarify.*

Response: The existing Brambleton proffers provide a commitment to the construction of vehicular access to Brambleton in two phases. The first phase included the construction of Route 772/607 to connect Brambleton with the Dulles Greenway. The Applicant has a number of options available in providing the second phase of access to Brambleton such as the extension of Route 659 south to connect with Route 50, the construction of Loudoun County Parkway or a the West Spine Road (if at that time the Loudoun County Parkway or West Spine Road is completed between Routes 606 and the Dulles Greenway), or the construction of Route

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606 to a four lane road. Any one of these options available to the Applicant will provide for adequate transportation opportunities at the Property.

Please see the revised draft proffers, which set out how regional road contributions associated with this application will be used to construct sections of Loudoun County Parkway and the East-West Connector. If one of the Brambleton cases is denied by the Board of Supervisors, the Applicant shall contribute \$3,500 per residential unit to the County.

2. *The applicant needs to construct adequate access to serve this site. What is the proposed access initially? Please clarify. At a minimum, four lanes of the East-West Connector Road should be constructed between existing Route 621 at the western edge of the site east to existing Route 659 and Route 659 Relocated should be constructed as a two lane road between Route 772 and Route 621. The implications of the site traffic to adjacent needs to be clarified. In addition, the phasing of off site roads which need to be in place needs to be clarified (Loudoun County Parkway between Route 772 and Route 50, Creighton Road, etc.) A level of service D needs to be maintained and multiple access points available. This can't be fully determined, however, until the actual development is determined and studied. The applicant notes that the site will be accessed by three site driveways along Route 659 Relocated and two site driveways along the proposed East-West Connector. The applicant also notes the construction of the East-West Connector between Route 621 and Route 659 Relocated. Please see comment #1 for OTS issues including the recommendation for Route 621 Relocated to be constructed east to the Loudoun County Parkway.*

Response: As previously described, the Property will be accessed by Route 659 Relocated and by the construction of the East-West Connector between Route 659 Relocated and the western edge of the Property. These improvements shall be bonded for construction prior to the approval of the first record plat or site plan for the Property, whichever is first in time. The Applicant is willing to meet with Staff to discuss this matter further if required.

3. *In order to accommodate the future widening of Route 659 Relocated and Route 621 Relocated, the applicant needs to dedicate 60 feet from the road centerline along both properties plus right-of-way required for right turn lanes. In addition, the applicant needs to provide all necessary construction related easements including drainage, grading and utility easements. The applicant notes that they don't control the adjacent narrow parcel along Route 659 Relocated which is not subject to this application. However, this land appears to be owned by Brambleton LLC. The clarification question is, has adequate right of way already been dedicated for this road by Brambleton LLC? Please clarify. The applicant also notes that Route 621 Relocated is planned to be a four lane divided road and that only 42 feet of dedication is needed. The applicants plat shows 86 feet total rather than the 90 feet which is typical. What is the reason for the 86 foot wide right of way? Would VDOT accept this narrower right of way for an urban four lane divided road? Please clarify.*

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Response: Adequate right-of-way has been provided for Route 659 Relocated. Applicant shall dedicate 86 feet for the alignment of Route 621 Relocated, which provides sufficient width for the construction of a four lane divided Road and is a width acceptable to VDOT.

4. *The applicant needs to contribute to traffic signals at the existing and future intersections of Route 621/East-West Connector, Route 659 Relocated/Route 621 Relocated and the proposed site entrances. Other signal contributions may also be in order. The applicant has acknowledged this assuming they are warranted by VDOT. The applicant would consider contributing the monies necessary for these traffic signals to the Brambleton Transportation Improvement Fund which would be used for transportation improvements in the vicinity of the greater Brambleton community and with credit given for capital facilities. The specific contributions need further discussion between staff and the applicant.*

Response: Comment acknowledged. Please see the revised draft proffers which provide a commitment to the design and construction of traffic signals. Applicant is no longer proposing a contribution to the Brambleton Transportation Fund.

5. *The applicant needs to provide for bicycle and trail connections along Route 659 Relocated and Route 621 Relocated within the site and ensure that they connect with approved sidewalks/trails on the adjacent parcels including Brambleton. The applicant shows trails along Route 659 Relocated and the East-West Connector on Sheets 8 and 9 and they are mentioned in the draft proffers. These are desirable features which should be maintained. The trail along Route 659 Relocated appears to meander in/out of the property boundary. Has the Brambleton Group LLC committed to build this trail on their property? Are these proposed trails 8-10 feet wide to accommodate bicyclists and pedestrians? Please clarify.*

Response: Applicant shall coordinate with Brambleton Group LLC to build the proposed trail at a width of 8 feet. Any necessary off-site easements will be provided at no cost to the County.

6. *In order to facilitate transit facilities and service in the future, a \$500 per unit contribution is recommended. This could also take the form of capital improvements such as provision of a bus shelter, a park & ride lot or purchase of buses. The applicant notes discussions with Art Smith of OTS, noting that they desire to apply mass transit contributions towards the construction of the Loudoun County Parkway and other related improvements through the Brambleton Transportation Fund. However, this does not address transit needs in this area. Further discussion is needed between staff and the applicant.*

Response: Applicant continues to work with Staff to propose substantial transportation improvements at Brambleton. Applicant seeks to develop Loudoun County Parkway and the East-West Connector (Route 621 Relocated) by utilizing the monies that would otherwise be contributed towards transit facilities.

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7. *The concept plan shows several proposed private roads within the site and three private street interparcel connections to the north. Has the applicant coordinated with the property to the north regarding maintenance responsibilities and the right of mutual access? Please clarify. Also, please note that the proposed private streets will need to be maintained by the property owners. VDOT and Loudoun County would not be responsible for ownership or maintenance. Finally, the private streets must be constructed in accordance with the Loudoun County Facilities Standards Manual. The applicant notes that this property is an extension of the Brambleton Community and that it would be under the auspices of the Brambleton Homeowners Association. The applicant also notes that the private streets will be constructed in accordance with the Loudoun County Facilities Standards Manual (FSM). Provided that it is clarified that Loudoun County and VDOT would not be responsible for maintenance of these private streets, there is no outstanding issue.*

Response: Comment acknowledged. The parcel to the north of the Property is owned by Brambleton Group LLC and any dwellings developed will be part of the same HOA as those within the Brandt Property. The private streets will, therefore, be maintained by the same HOA, ensuring the right of mutual access will not be a problem. All private streets will be constructed in accordance with FSM standards.

8. *This application needs to be understood in light of the totality of Brambleton proffers. This would include improvements necessary for the Brambleton project to move to its second phase. The applicant notes again that they have had several meetings with Art Smith of OTS regarding the status of Brambleton and that they are available to answer any further questions.*

Response: Applicant continues to work with Staff to propose substantial transportation improvements at Brambleton. Applicant seeks to develop Loudoun County Parkway and the East-West Connector (Route 621 Relocated) by utilizing the monies generated by the capital facility contributions for four rezoning applications at Brambleton currently being considered by the County.

Department of Building and Development, Environmental Review Team

- 1) *Staff acknowledges the revisions to the Concept Development Plan for the purpose of avoiding and minimizing impacts to wetlands, particularly the forested wetlands present in the northeast corner of the project adjacent to Relocated Route 659. However, staff notes that the recommended 50-foot buffer encompassing jurisdictional waters and wetlands is not provided in several areas. Staff has observed that stream degradation is noticeably reduced in areas where 50-foot forested buffers have been incorporated in older developments within the County. Therefore, staff recommends that a minimum 50-foot undisturbed buffer be provided adjacent to jurisdictional waters and wetlands to minimize the effects of the proposed development on water quality. Staff further recommends that the proposed Stormwater Management (SWM)/Best Management Practice (BMP) facilities be reconfigured to avoid disturbances within the 50-foot buffer.*

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Response: Where the Applicant is unable to provide the 50-foot buffer from jurisdictional waters and wetlands, Applicant shall reforest open areas within or adjacent to the flood plain. Applicant shall reforest an area of open space commensurate to the portion of the buffer that cannot be provided. Please see the proffers for the appropriate language.

- 2) *Impacts to jurisdictional wetlands are currently proposed to accommodate roads and residential and commercial development. Staff encourages the mitigation of wetland and stream impacts close to the impact area to help maintain water quality, flood protection functions, and habitat. This approach is consistent with Policy 23 on Page 5-11 of the Revised General Plan (RGP) which states that "the County will support the federal goal of no net loss to wetlands in the County". Furthermore, the County's strategy is to protect its existing green infrastructure elements and to recapture elements where possible (RGP, Page 6-8, Green Infrastructure Text). Therefore, staff recommends that the applicant commit to prioritize wetland mitigation required for the project as follows: 1) onsite (or within the same watershed), 2) within the same Planning Policy Area, and 3) within Loudoun County, subject to approval by the Army Corps of Engineers and the Virginia Department of Environmental Quality.*

Response: Comment acknowledged. Please see the draft proffers.

- 3) *Tree Save Areas have been designated on the Concept Development Plan (Sheet 7) and are addressed by Proffer VI.A; however, the language included in the proffer is not consistent with the suggested language approved by the County Arborist. The current proffer does not outline a minimum area to be preserved (e.g., 80 percent) and is focused on the need to submit a Tree Conservation Plan, which is required by the Loudoun County Facilities Standards Manual (Section 7.302). In addition, the Tree Protection methods outlined in the proffer are inconsistent with County Erosion and Sediment Control Ordinance requirements (silt fence is required surrounding Tree Save Areas). Because of these concerns, staff recommends that the current proffer language be replaced with the attached Sample Tree Conservation Area Language, consistent with other recently approved rezoning applications.*

Response: Comment acknowledged. Please see the draft proffers.

- 4) *Staff acknowledges the addition of Sheet 11 depicting the Concept Development Plan and soils. However, staff notes that the soils information depicted on Sheet 11 does not match County soils information, which is referenced as the source of the information in Note 4 on Sheet 6, the Existing Conditions Plat. The soils information provided in the Northern portion of the parcel near the 79A and 78A Mapping Units, which is currently labeled as 73B, does not match the information depicted in the Loudoun County Geographic Information System. Please revise the soils map as needed and provide a Soils Table identifying the mapping unit name, slope, hydrologic group, general development class, and hydric status for each of the soil types identified on the parcel. Staff notes that several single-family lots are located within areas identified as hydric soils and recommends against construction of below-grade foundations in these locations in order to avoid potential wetness problems.*

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Response: Comment acknowledged. Please see the CDP and Soil Table on Sheet 11.

- 5) *Staff acknowledges the addition of SWM/BMP facility locations to the plan. Additional information is needed regarding the type of facilities proposed. Staff encourages the use of BMP facilities that maximize pollutant removal efficiency (e.g., enhanced extended detention ponds), while minimizing "bypass" stormwater runoff and the number of individual facilities proposed. Staff would welcome the opportunity to discuss the SWM/BMP approach for the project with the applicant in more detail.*

Response: Applicant will meet all BMP requirements per the FSM. The Applicant's specific approach to SWM/BMP facilities will be engineered at the time of subdivision plan.

- 6) *Please label the Major Floodplain on Sheets 6-13. Staff notes that the proposed gas station/car wash location is situated in closer proximity to the Major Floodplain of Broad Run than any of the other proposed improvements. Staff recommends that the proposed gas station/car wash be relocated to provide increased separation and buffering between the proposed facility and the Major Floodplain. In addition, staff recommends a Special Exception Condition requiring oil-water separator BMPs to be incorporated into the gas station/car wash site plan in addition to other required BMPs to filter runoff containing higher concentrations of hydrocarbons and petroleum expected in this location.*

Response: The design of the plumbing systems for the service station will incorporate the use of an oil-water filter to prevent contamination of the sanitary drain system as required by code and will meet all State environmental standards for the proper and safe handling of such materials.

- 7) *Due to the proximity of the proposed development to the Route 659 Relocated and the East-West Connector (dwellings are currently located within 50 -100 feet of both roadways), staff recommends that a noise impact study be provided with this application, consistent with the Noise Policies (Policy 2, Page 4-7) identified in the Revised Countywide Transportation Plan. If the noise study cannot be provided at this time, staff recommends that a commitment be provided to submit the noise study concurrent with the first site plan or subdivision plan and to implement the approved noise attenuation measures prior to the issuance of occupancy permits on the property. Staff further recommends that the applicant consider the following commitment, which has been provided with other approved rezoning projects and has been modified to reflect the proposed project:*

"The applicant will provide a noise impact study to the County that will determine the need for any additional buffering and noise attenuation measures along the portion of the property located proximate to Route 659 Relocated and adjacent to the East-West Connector. The noise impact study shall address the noise generated by the traffic from these roadways at the time of build-out of the subject property and when the subject roadways are built to their ultimate configuration. This noise impact study will be conducted by a certified professional engineering firm and submitted to the County concurrently with the

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first site plan or subdivision plan, whichever is first in time. If it is determined by County staff that the noise impacts from the ultimate configuration of the specified roadways will exceed the noise abatement criteria specified in the Revised Countywide Transportation Plan, the applicant will provide buffers, berms, fencing, or other such noise attenuation measures along the specified roadways sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any dwelling units impacted by the noise levels."

Response: Comment acknowledged. Please see the enclosed Traffic Noise Analysis, dated March 20, 2007. This study assess the potential for impacts to proposed residential units. A separate study will be undertaken to determine any necessary mitigation once grading plans for proposed roads are available. The proffer statement provides a commitment to undertaking the separate study.

- 8) *Staff appreciates the applicant's willingness to provide the digital wetland delineation at the time of subdivision approval and requests that a commitment be provided to this effect.*

Response: Please see the draft proffers, which provide a commitment to the submission of the digital data at the time of the first site plan or record plat approved for the Property, whichever is first in time.

Department of Building and Development, Zoning Administration

The Applicant is proposing a community recreational facility with the Brambleton Corner rezoning application (ZMAP 2004-0025). Staff asks that this be made clear in the proffer and in the Homeowners Association documents, as in reviewing proposed Proffers III.A and VII, this provision is not clear.

Response: Comment acknowledged. Please see the revised proffers.

The Plat does not depict the type and location of lighting to be utilized with the proposed uses and since some of the proposed uses will be abutting major collector and arterial roads, Staff recommends a condition of approval regarding the impacts of glare on these major roads.

Response: Comment acknowledged. Please see the revised proffers, which provide a commitment to the use of cut-off and fully shielded lighting fixtures.

1. *In response to first referral staff comments, the Applicant states that Sheet 11 of the revised CDP illustrates the proposed layout and gross floor area for each use proposed for the development. However, Staff notes that this is not reflected on Sheet 11 of the CDP. Explain.*

Response: Comment acknowledged. Please see Sheet 12 of the CDP, which confirms building envelopes and gross floor areas for proposed non-residential and assisted living facility uses.

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2. *The Applicant must provide a vehicular circulation plan that demonstrates how the proposed commercial center minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation (§ 4-206 (D)). The Applicant noted that this is shown on Sheet 11 of the revised CDP. However, staff notes that this Sheet depicts soils and does not reflect the proposed vehicular circulation plan. Explain.*

Response: Vehicular connection is shown on Sheet 12 of the CDP. The proposed commercial center will be separated from the residential units by the planned East-West Connector (Route 621 Relocated). The commercial center will have direct access from the East-West Connector and the planned Route 659 Relocated and will not encourage or generate traffic movements through the proposed residential neighborhood.

Sheet 12 indicates pedestrian sidewalks proposed within the commercial center, which will separate pedestrians from vehicles. Applicant is also proposing pedestrian crossings at the intersection of the East-West Connector and Route 659 Relocated and at the entrance to the proposed residential neighborhood. This will provide pedestrian connections from a multi-purpose trail as well as connections with the Brambleton Town Center and the remainder of the Brambleton community.

3. *Depict crosswalks and traffic control devices (Sheet 12) that create safe and convenient pedestrian paths from all parking areas to shopping areas (§ 4-206 (F)).*

Response: Comment acknowledged. Please see the revised CDP.

Section 6-1504, Modifications - The Applicant has proposed a number of zoning modifications, pursuant to this section of the ordinance. It should be noted that no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff still has comments on the requested modifications as follows:

(i) Buffering and Screening, § 5-1405, Buffer Yard and Screening, General Provision- Proposed Modification - The Applicant is requesting a modification of this section to eliminate buffer requirements between land uses internal to the subject development. Specifically, the Applicant requests 1) the elimination of the buffer between the proposed assisted living facility and the proposed single-family detached units, and 2) the reduction of the buffer between the proposed assisted living facility and the proposed retail uses.

Applicant's Justification – *The Applicant states that there is simply no need to buffer land uses internal to the subject development due to the bifurcation of the proposed development by the planned alignment of Route 621 Relocated. Further, the proposed road setbacks and location of natural features and use of open space north of Route 621 Relocated as open play area will create an approximately 450 foot buffer between the proposed assisted living facility and the single-family detached units.*

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Staff comment – Staff notes that a Type 1 buffer is required between the assisted living facility and the proposed single family detached residential. Based on the bifurcation of the two uses by Route 621 Relocated, the proposed 75 foot setback on either side of Route 621 and the open space area in between the two uses, Staff can support the modification request. Staff, however is not clear on the second part of the modification request. The Statement of Justification (page 11) asks for a modification of the reduction of the required buffer between the proposed assisted living facility and the proposed retail uses, while Sheet 13 of the Plan depicts the modification request between the proposed pharmacy, the automobile service station and the strip of property to the east. Clarify this inconsistency.

Response: Comment acknowledged. Applicant has included an enlarged view of the proposed PD-CC district illustrating the buffer modifications and correcting any inconsistency.

(ii) R-8 (Single Family Residential) Zoning District, § 3-511(A) - Development Setback and Access from Major Roads

Proposed Modification - Request modification to reduce the setback from rights-of-way other than arterial and collector roads from a minimum of 25 feet to 15 feet.

Applicant's Justification – The proposed modification will correct an inconsistency in the Zoning Ordinance and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable housing.

Staff comment – Staff agrees with the Applicant and notes that the R-8 zoning district regulations in § 7-800 allow for more flexibility in the district regulations. Reducing the minimum required 25 foot setback to 15 feet will coincide with the minimum front yard requirement of 15 feet permitted in § 7-803(C)(1)(a) for the R-8 district and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable dwelling units. Staff can support this modification request.

Response: Comment acknowledged and appreciated.

(iii) R-8 (Single Family Residential) Zoning District, § 3-508(B) – Building Requirements.

Proposed Modification - Request modification to allow a maximum building height of up to 40 feet for dwelling units and up to 50 feet for the assisted living facility to be provided south of Route 621 Relocated.

Applicant's Justification – The Applicant states that the size of single-family detached homes and single-family attached town homes continues to increase, including the overall height of the dwellings. The Applicant claims that homes are generally taller today than they were five years ago, in order to accommodate interior ceiling heights of up to ten feet, and that one of the ways to meet this demand is by providing homes that nominally exceed the maximum height in the Zoning Ordinance. Further, the Applicant claims that higher ceilings can make interior spaces brighter and lighter due to large windows and more open space.

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Staff comment – Staff is not clear as to how the increase in building height for the single family detached units and town homes exceeds the public purpose of the ordinance. Staff acknowledges that the Loudoun County Zoning Ordinance Review Committee (“ZORC”) is proposing an amendment to the Zoning Ordinance to increase the building heights to 45 feet for single-family attached houses and 40 feet for single-family detached units. However, these are proposed amendments and not the existing regulations. Staff believes the request to increase the height of homes to accommodate increase ceiling height does not justify granting the modification. It is not clear how the proposal achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulations. Staff cannot recommend approval of this modification request at this time.

It appears that the Applicant has withdrawn the modification request for the building height for the assisted living facility. However, it is still listed on Sheet 14 of the Plan. Clarify/correct this inconsistency.

Response: Applicant has removed this modification from the CDP.

(iv) PD-CC, Planned Development Commercial Center, § 4-205(C)(2) – Lot Requirements, Yards

Proposed Modification - Request modification to permit building, parking, outdoor storage, areas of collection of refuse or loading closer than 100 feet to planned residential district and to permit some parking, outdoor storage, areas for collection of refuse, and loading areas between buildings and streets where visible from road as shown on Sheet 13 of the CDP.

Applicant's Justification – All commercial uses are located to the south of Route 621 Relocated. All residential uses are located to the north of Route 659 Relocated. An assisted living facility, which is a commercial use, is permitted in the R-8 district, but not permitted in the PD-CC district. Thus, to cluster non-residential uses together, the southern portion of the development is split-zoned, resulting in the need for the modification. Further, the Applicant notes that there isn't the same need for strict compliance with this provision due to the bifurcation of the proposed development by the planned alignment of Route 659.

Staff comment – Staff notes that an assisted living facility is a facility where adults who cannot live independently and who need assistance with daily chores and housekeeping live. The intent of the required 100 feet building, parking, outdoor storage and loading buffer is to protect and separate residential uses from commercial uses. The assisted living facility, although, consisting of adults living in the facility, is not a residential use by Ordinance definition. Further, the Applicant has proposed a 15 foot Category 1 Buffer Yard at the boundary of the PD-CC-CC district, adjacent to the strip of PD-H4 zoning district on the eastern boundary. Staff can support the reduction of the required yard between the PD-CC-CC and PDH-4 zoning district.

Response: Comment acknowledged and appreciated.

(v) PD-CC, Planned Development Commercial Center, § 4-207(C)(3) – Use Limitations, Site Planning – External Relationships & § 5-1407, Buffer Yard and Screening Requirements

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Proposed Modification - Request modification to reduce the buffer requirement between the assisted living facility and service/retail uses.

Applicant's Justification - The Applicant's justification is that assisted living facilities, like skilled nursing facilities, are more similar to commercial uses than residential uses as many of the residents need a higher level of care than a typical resident might. The residents typically do not avail themselves of typical neighborhood amenities, like another resident might. Hence, traffic impacts and parking requirements are more similar to that of a commercial use. The clustering of like uses in a single area of the property makes modification of this provision desirable and necessary.

Staff comment - The intent of the required buffer on the perimeter of the commercial center is to separate and screen uses. The assisted living facility, although consisting of adults living in the facility, is not a residential use. Staff can support this modification request.

Response: Comment acknowledged and appreciated.

(vi) PD-CC, Planned Development Commercial Center, § 4-205(C)(3) - Lot Requirements, Yards

Proposed Modification - Request modification to permit buildings, parking, outdoor storage, and loading areas closer than 35 feet to other non residential districts as shown on the plans submitted with the ZMAP.

Applicant's Justification - The Applicant states that it has carefully arranged the land uses so as to congregate all non-residential uses south of Route 621 Relocated and all residential uses north of Route 621 Relocated. Non-residential uses, as part of the greater Brambleton community, will be located to the east of the property across Route 659 Relocated. There is also a sizable strip between the property's eastern boundary and Route 659 Relocated which increases the distance between the non-residential uses at the property and the non-residential uses on adjacent properties. Thus, the requirement to set buildings, parking, outdoor storage and loading areas back 35 feet from the property boundary simply is not necessary.

Staff comment - The modification request depicted on Sheet 13 is adjacent to a PDH-4 district, which is considered a residential district, while the buffer requirement of this section is adjacent to a non-residential district. Please clarify this.

Response: Comment acknowledged. Applicant is no longer requesting a modification to this section of the Zoning Ordinance.

(vii) PD-CC, Planned Development Commercial Center, § 4-206(D) - Building Requirements, Vehicular Access.

Proposed Modification - Request modification to permit the community center to have direct access to Route 621 Relocated, a minor arterial road.

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Applicant's Justification – The Applicant notes that the use of the triangularly-shaped parcel created by the future alignment of Route 621 Relocated and Route 659 Relocated for a Community Center will achieve the highest and best use of this portion of the property and will benefit the surrounding residents and businesses. With the eventual vacation of Evergreen Mills Road on the western boundary of the property, the bordering roads will be a major collector road (Route 621 Relocated), and minor arterial road (Route 659 Relocated) thus making the modification necessary.

Staff comment – Staff can support this modification request but defers to the Office of Transportation Services (OTS) to ensure the proposal is in compliance with the Countywide Transportation Plan (CTP).

Response: Comment acknowledged and appreciated.

(viii) R-8 (Single Family Residential) Zoning District, § 3-508(A) – Building Requirements, Lot Coverage

Proposed Modification - Request modification to permit a Lot Coverage of 60% for the assisted living facility.

Applicant's Justification – Similar to the justification for the other modification request, the Applicant notes that it is clustering the commercial uses south of Route 621 Relocated and keeping the residential uses to the north of Route 621 Relocated. This proposed layout will emphasize the use of Route 621 Relocated as the boundary between the residential and non-residential uses. Despite being zoned residentially, the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC district. The Applicant notes that the lot coverage requirement of the R-8 district applies without regard to whether the property is being used for residential or non-residential purposes. However, the Applicant contends that the non-residential uses, such as the assisted living facility, should be permitted to cover a greater portion of the lot, in accordance with other non-residential districts.

Staff comment – It should be noted that the maximum lot coverage permitted in Section 3-508(A) is 50%. The Applicant states that the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC district. Staff notes that there is no maximum lot coverage required in the PD-CC district. While staff agrees that the assisted living facility is not a residential use per se, it is a use permissible and proposed in the residential zoning district (R-8) and therefore must meet the lot coverage standards set forth in that district. Staff cannot support this modification request.

Response: Comment acknowledged. This modification is no longer being requested.

(ix) PD-H, Planned Development Housing, § 4-109(C)(2) – Site Planning – External Relationships

Proposed Modification - Request modification to eliminate the 50 foot buffer requirement along the eastern edge of the property adjacent to Route 659 Relocated as well as the north tip of the property.

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Applicant's Justification – *The Applicant states that the Property will be integrated into the greater Brambleton community and the eastern and northern boundaries of the site will become non-existent, making the buffering unnecessary.*

Staff comment – *It is not clear to staff how the proposed modification request provides for an innovative design or otherwise exceeds the public purpose of the Ordinance. Staff cannot support this modification request.*

Response: This proposed modification is required along the northeastern portion of the Property's eastern boundary, closest to the proposed Route 659 Relocated. Where the 50-foot buffer cannot be provided, the Property will be separated from the right-of-way by a spite strip, which is owned by Brambleton Group LLC, is too narrow to be developed for a residential use and which provides a substantial setback between the Property and the future Route 659 Relocated. The Applicant is also proposing a Type 3 buffer and 4 foot berm on the spite strip. The Applicant, therefore, believes that the 50-foot buffer along the northeastern portion of the eastern boundary of the site is appropriately supplemented by the existing spite strip and exceeds the purpose of the zoning ordinance requirements.

Applicant also requests a modification of the buffer requirements along the northern edge of the residential portion of the Property. Applicant seeks to allow the future residential development of the parcel to the north to be integrated with proposed neighborhood to the south. The provision of a 50 foot buffer would prevent such integration. Furthermore, any future dwellings in the northern parcel would be a part of the same HOA as those units on the Property and it will be important to provide future residents of this northern parcel with a convenient pedestrian connection to the proposed open space and tot lots at the Property. Applicant believes that this will provide for an innovative design.

(x) § 3-509(C) – *Minimum Buffer*

Proposed Modification - *Request modification to eliminate the 50 foot buffer requirement between Land Bays D and E and along the eastern edge of the property adjacent to Route 659 Relocated as well as the northern edge of the property as shown on Sheet 13 of the CDP.*

Applicant's Justification – *The Applicant states that the Property will be integrated into the greater Brambleton community and the eastern and northern boundaries of the site will become non-existent, making the buffering unnecessary.*

Staff comment – *See comment (x) above. Staff cannot support this modification request. Further, it appears that modification request # 10 on Sheet 13 of the CDP is in error, as there is no accompanying statement of justification and it is not clear what is being modified. Clarify/correct this.*

Response: As discussed above, Applicant believes that the modification to eliminate the buffer adjacent to the eastern edges of Land Bays D and E is justified by the buffer provided by the parcel separating the Property from the future Route 659 Relocated and the proposed Type 3 buffer and four foot berm.

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The elimination of a buffer between the Property and the parcel to the north would constitute innovative design and would allow the future residential development of the parcel to be integrated with the proposed neighborhood.

1. *On Sheet 14, the Applicant has shown the amount of required vs. proposed parking spaces for the restaurants, pharmacy and automobile service station, but has not provided such information for the assisted living facility. The parking lot calculation needs to be provided for this use as well. Pursuant to Section 5-1102(E), the amount of parking spaces required for the use "Congregate, Continuing Care & Congregate Housing Facilities", under which the use "Assisted living facility" is included, the amount of required parking spaces is .33 per resident, plus 1.5 per day shift employee. The number of loading spaces required for the use is one. In order to evaluate impacts and assure that the required number of parking and loading spaces can be provided, and to avoid the possibility of nonconformance issue with the Plat at the time of Site Plan, the parking and loading spaces information for the assisted living facility must be provided at this time. The location and screening of all parking and loading spaces and dumpster pads must also be provided.*

Response: Comment acknowledged. The amount of required and proposed parking spaces associated with the assisted living facility has been included in the CDP. The Applicant agrees to provide a Type 3 buffer and four foot berm on the parcel which separates the Property from Route 659 Relocated. Applicant believes that this buffer will provide sufficient screening for all parking, loading and dumpster pads to be provided.

2. *The loading spaces required are 1/25,000 square feet of GFA for the service station. Please provide this on Sheet 14 and depict such spaces on the SPEX Plat.*

Response: Comment acknowledged. Please see the revised CDP.

3. *Please delete the last sentence in Note 8 of the Cover Sheet, and provide the parking information on Sheet 14.*

Response: Comment acknowledged. Please see the revised CDP.

4. *The presentation and approval of a landscape plan is addressed at site plan. However, at special exception the applicant is asked to state, in the Notes, and depicts on the Plat what type of buffer yard is required. Pursuant to Section 5-1414(A)-Buffer Yard and Screening Matrix, the proposed pharmacy is a Group 6 use (considered retail sales), the assisted living facility is a Group 3 and the auto service station and drive through restaurants are Group 8. Therefore, it appears that a Type 2 Buffer Yard is required between the pharmacy and the other uses. Please indicate this on the Plat.*

Response: Comment acknowledged. Please see the revised CDP.

5. *The Applicant has delineated the open space areas in the development. Clarify and describe the character of the open space as well as that of the proposed active recreation space on the CDP sheet [Checklist # 7]. It is noted that the Applicant has proffered only*

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Sheet 8 of the Plan set. This Sheet denotes proposed open space areas, but does not clarify and depict the location of the proposed active recreation space.

Response: Applicant is proposing an open play area at the southern edge of the residential portion of the Property, together with open space throughout the development. These areas will provide informal open space. Active recreation will be provided in the form of two tot lots and fitness stations along the proposed trail on the eastern edge of the Property. In addition, a pond immediately south of the East-West Connector shall be stocked with fish providing active recreation.

6. *With regard to Proffer I, Staff notes that the Applicant is only proffering substantial conformance with Sheet 8 of the rezoning plan set, and asks that the Applicant consider proffering the other Sheets including the Notes and Tabulations Sheet (Sheet 14), the Concept Development Plan (Sheet 7), and the Rezoning Plat (Sheet 5).*

Response: Comment acknowledged. The draft proffers have been revised to confirm that the Property will be developed in substantial conformance with Sheets 7, 8 and 14 of the CDP.

7. *With regard to the preamble, in the fourth line, the applicant states that the Property is part of Tax Map 91, Parcel 24 (PIN 201-28-2115). Staff suggests that the applicant clarify where the part of Tax Map 91, Parcel 24 (PIN 201-28-2115) that is the subject of the application is described, so as to clarify what part of the referenced tax map and PIN number is the subject of the application. Bearings and distances need to be identified, and Staff suggests that the applicant state the number of acres that are the subject of the application.*

Response: Comment acknowledged. The Property encompasses all of Tax Map 91, Parcel 24.

8. *The Applicant is proffering Sheet 8 only. However, this Sheet does not show where the single family attached, single family detached, or commercial areas are located. Staff recommends that this be clarified in proffer II.A.*

Response: Comment acknowledged. The draft proffers have been revised to confirm that the Property will be developed in substantial conformance with Sheets 7, 8 and 14 of the CDP.

9. *With regard to proffer II.B., in the first line, the Applicant references Land Bay G. However, staff notes that the land bays are not shown on Sheet 8, which is the only sheet proffered.*

ON
Sheet 7
CDP

Response: Comment acknowledged. As discussed above, the draft proffers have been revised to confirm that the Property will be developed in substantial conformance with Sheets 7, 8 and 14 of the CDP.

10. *With regard to proffer III.A., the Applicant proposes to provide "active and passive recreational amenities". However, these amenities are not identified on Sheet 8. Further, in the last line of the proffer, the Applicant states that the amenities will include a community tot lot and a community play area at the southeast corner of the proposed*

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residential development. Staff notes that on Sheet 7, a tot lot is shown, but not in the southeast corner. Staff recommends that Sheet 7 be proffered, and that it is clarified that the tot lot is proposed in Land Bay E. Further, Staff asks that the Applicant provides more specifics regarding the "community play area".

Response: Comment acknowledged. The Open Play Area identified on Sheet 7 of the CDP will provide informal open space for the enjoyment of residents. As confirmed in the draft proffers, the Applicant will provide a minimum of three benches in the open space. Please see the revised CDP and draft proffers.

11. *With regard to proffer VI.A.1., the Applicant states that a tree save area shall be established in the location shown on the CDP. Sheet 8 contains no such tree save area designation. Sheet 7 appears to designate a tree save area, but nothing in the legend indicates exactly what notation marks a tree save area. Staff suggests that the location of the tree save area be clarified.*

Response: Comment acknowledged. Please see the revised Sheet 7 of the CDP. As confirmed by the draft proffers, the Property will be developed in substantial conformance with Sheet 7.

12. *On the illustrative (Sheet 4) please label the proposed commercial uses.*

Response: Comment acknowledged. Please see the revised Sheet 4 of the CDP.

13. *On Sheet 5, provide the metes and bounds for both the PD-CC-CC zoning district and the PD-H4 zoning district, as these will be mapped as two separate zoning districts.*

Response: Comment acknowledged. Please see the revised CDP.

14. *On Sheet 14, in the "Area Tabulation", the number of market rate dwelling units is depicted as 200, but should be 206. Correct this and recalculate the residential density of market rate units.*

Response: Comment acknowledged. Please see the revised CDP.

15. *On the Cover Sheet, Note 17 states that the project is to be "developed in multiple phases per proffer requirements", but there is nothing in the proffers that deals with the concept of phasing. Clarify.*

Response: Comment acknowledged. Note 17 has been removed from the Cover Sheet.

16. *On the Cover Sheet, Note 14 states that "an overall amenities plan" will be coordinated with the Brambleton community. Staff asks that the Applicant clarify this and provide such plan. It should also be noted that this Cover Sheet is not proffered.*

Response: Amenities will be provided in accordance with the draft proffers and the approved proffers currently covering the remainder of the Brambleton community.

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17. *On the Cover Sheet, ensure that Note 11 is consistent with the language in proposed Proffer I.*

Response: Comment acknowledged.

18. *Route 659 Relocated is identified on the Countywide Transportation Plan (CTP) as being an arterial road. As such, pursuant to Section 5-1406(E)(2), a type 3 buffer yard must be provided adjacent to this road. In addition, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1. Although the Applicant noted that a separate parcel is located between the eastern edge of the property and Route 659 Relocated, it should also be noted that this strip of property is owned by the Applicant and is unlikely to be used for any other use, as the property width is narrow and there is a minimum 100 foot setback from Route 659 Relocated. Therefore, staff recommends that the Applicant provide the required buffer yard landscaping and earthen berm adjacent to Route 659 Relocated.*

Response: Applicant is willing to provide a type 3 buffer and four foot berm on the parcel which separates the Property from Route 659 Relocated. This commitment is shown on the revised CDP.

19. *On Sheet 1, the zoning of the adjacent property to the west, owned by the Hanson Family Partnership, is R-1 and TR3UBF. The Applicant notes this property as zoned R-1 and TR1UBF. Correct and/or clarify this inconsistency.*

Response: Comment acknowledged. Please see the revised CDP.

20. *On Sheet 5, Note 2, include the word "Revised" before "1993 Zoning Ordinance" as this is now the regulating document.*

Response: Comment acknowledged. Please see the revised CDP.

21. *Correct Note 26 on the Cover Sheet to state Section 5-1413 of the Ordinance.*

Response: Comment acknowledged. Please see the revised CDP.

22. *On Sheet 7, the Pharmacy should not be included in the special exception boundary as this use is permitted by right.*

Response: Comment acknowledged. Please see the revised CDP.

*SEE Plat
Sheet 12 of 15.*

Department of Planning, Comprehensive Planning

Plan policies do not support the proposed commercial retail and residential (assisted living facility) land uses proposed for the approximately 13 acre portion of the property which is

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designated for General Industrial uses.

Response: While the Revised General Plan does recommend a General Industrial use of the southern portion of the Property, Applicant believes that the proposed commercial uses and assisted living facility will provide an important transition between residential uses to the north of the proposed East-West Connector and the general industrial land uses to the south of the Property. Additionally, Applicant respectfully submits that industrial development this close to residential development would be inappropriate. The floodplain along the western and southern boundaries will create a strong boundary between the commercial uses proposed and more intense industrial uses to the south.

Staff recommends that a minimum of 10% of the project area be provided for useable public/civic space that is located in a prominent site within the development per Plan policy.

Response: Applicant is proposing an ~~open-play~~ area at the southern edge of the residential portion of the Property, together with open space throughout the development. These areas will provide informal open space. Active recreation will be provided in the form of two tot lots and fitness stations along the proposed trail on the eastern edge of the Property. In addition, a pond immediately south of the East-West Connector shall be stocked with fish.

The proposed dwelling units will be included within the Brambleton Homeowners Association ("HOA"). As such, existing civic space and open space within the community will be available to future residents at the Property. Please see the enclosed exhibit, which demonstrates the existing and proposed facilities within 1,500 feet from the Property.

Staff recommends that additional interior open space be provided throughout the proposed residential neighborhoods, such as community greens, pocket parks, and tot lots to provide community gathering places and accessible site amenities. The applicant should provide a commitment to including interior open space in the design of the proposed community.

Response: Applicant has included a significant level of open space within the Property. As shown on the revised CDP, the Applicant has added a second tot lot to the proposal, together with a trail connection from the tot lot to the residential units on the western portion of the Property. Applicant believes that the proposed level of active and informal open space will provide sufficient gathering places which are accessible to the community.

Staff recommends that the required ADUs be appropriately located and labeled on the CDP. The ADUs that are to be provided should be of various unit types and dispersed throughout the community, per Plan policy.

Response: In accordance with Article VII of the Zoning Ordinance, Applicant shall provide 30 ADUs, which will be properly interspersed throughout the proposal. Applicant shall identify the ADUs on the record plat.

Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated.

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Response: Comment acknowledged. Applicant is working with Staff to allocate appropriate capital facility contributions for four current ZMAP applications at Brambleton towards the construction of Loudoun County Parkway and portions of the East-West Connector. This has been addressed in the revised draft proffers.

Parks, Recreation, and Community Services (PRCS)

Comment 2: PRCS is encouraged and supportive of the Applicants vision and offer to evaluate proffering meaningful upgrades at Brambleton Community Park. Under the original Brambleton rezoning application (ZMAP 1993-0005), the Applicant (Brambleton Land Corporation) proffered to dedicate approximately twenty-four (24) acres for a Community Park, which was to include, two (2) football fields, one (1) soccer field, four (4) softball fields and two (2) baseball fields. However, the Applicant under the proffer is only required to graded, seed and provide goal post and /or backstop and home plate, according to the type of fields. Parking, lighting, irrigation, fencing (baseball, softball outfields and perimeter/site), bleachers, restrooms, concession, storage facilities and utilities are not included in the original proffer and therefore, become the responsibility of the County to provide. The Park is on schedule to be dedicated to the County late fall of 2006; however, without at least parking and fencing, it will not be accessible to the public. PRCS is available to meet with the Applicant and Planning Department to discuss and evaluate the necessary improvements that benefit and completes the facilities for public use.

Applicant Response: *The Brambleton Regional Park was dedicated in connection with ZMAP 1993-0005. As discussed with representatives from County Staff, including member of Parks and Recreation Staff, the Applicant will seek to have any capital facilities contributions generated by the application applied to the Brambleton Transportation Improvement Fund for the construction of Loudoun County Parkway and related transportation improvements. Applicant is happy to discuss the application of some portion of any excess funds to the further improvement of the park.*

Issue Status: *Acknowledged. However, PRCS is aware that the capital contributions to Loudoun County Parkway are tied to the other three Brambleton ZMAP applications. Should the applications not be considered jointly, then the Applicant will need to provide adequate contributions to other capital facilities, specifically Brambleton Community Park.*

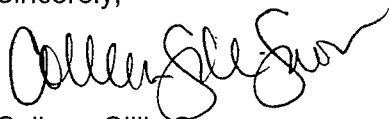
Response: Comment acknowledged. Please see the revised draft proffers.

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We trust that this letter suitably responds to each of Staff's comments. Should you require any further information, please do not hesitate to contact me.

Sincerely,



Colleen Gillis Snow

cc: Steve Schulte, P.E., Brambleton Group LLC
Brian Sears, P.E., Urban Ltd.
Antonio J. Calabrese, Esquire, Cooley Godward Kronish LLP
Ben Wales, Cooley Godward Kronish LLP

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